

WEDNESDAY, MAY 12, 1993

FORTY-FIFTH LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Tony Pierce, Macon Missionary Baptist Church, Macon, Tennessee.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Chiles; illness.

Representative Jackson; illness.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

PRESENT IN CHAMBER

Representative(s) Kernell and Pruitt was/were recorded as being present in the Chamber.

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REPORT OF COMMITTEE ON CALENDAR AND RULES
May 11, 1993

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Wednesday, May 12, 1993: House Bill(s) No(s). 751, 758, 736, 1142, 1049, 286, 457, 1070, 1658, 495, 1437, 440, 205, 158, 990, 819, 1466, 564, 937, 1289, 871, 1485, 1183, and 1332; House Joint Resolution(s) No(s). 214.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Wednesday, May 12, 1993: House Bill(s) No(s). 491; also, House Joint Resolution(s) No(s). 261, 262, 263, 264 and 183.

We further report that the following was/were considered but failed to pass: House Bill No. 130.

REPORTS FROM STANDING COMMITTEES

The committees that met on Tuesday, May 11, 1993, reported the following:

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1505, 417, 1550, 1585, 919, 463, 1091, 1420, 785, 1629, 1230, 1537, 1532, 1128, 804, 881 and 708; House Bill(s) No(s). 1440, 1321, 319, 1200, 291, 325, 283, 326, 1500, 15, 1407, 290, 305 and 355 with amendment(s); for adoption: House Resolution(s) No(s). 56, 58 and 67; House Joint Resolution(s) No(s). 236 with amendment(s); also, for concurrence: Senate Joint Resolution(s) No(s). 157 and 67. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee further recommended that House Bill No. 1250 be referred to the Judiciary Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 1527 with amendment(s); for adoption: House Joint Resolution(s) No(s). 307 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

TRANSPORTATION

The Transportation Committee recommended for concurrence: Senate Joint Resolution(s) No(s). 187, 167 and 192. Under the rules, each was transmitted to the Calendar and Rules Committee.

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REPORT OF CHIEF ENGROSSING CLERK

May 11, 1993

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 162, 403, 415, 531, 581, 622, 656, 660, 756, 773, 820, 821, 978, 1012, 1102, 1195, 1213, 1226, 1534, 1642, 1649, 1652 and 1653; also, House Joint Resolution(s) No(s). 142, 241, 242, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285 and 286.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

May 11, 1993

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 31, with his approval.

DAVID H. WELLES, Counsel to the Governor.

SIGNED

May 11, 1993

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 10, 84, 124, 267, 303, 377, 392, 438, 491, 638, 743, 775, 832, 1059, 1064, 1183 and 1447; also, Senate Joint Resolution(s) No(s). 143, 188, 189, 191, 193, 196, 197, 199, 200, 202, 203, 204, 205, 206 and 207.

REPORT OF COMMITTEE ON CALENDAR AND RULES

May 12, 1993

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Thursday, May 13, 1993: House Bill(s) No(s). 362, 1207, 1412, 800 and 1234; House Joint Resolution(s) No(s). 253; House Bill(s) No(s). 787, 1065 and 1067; House Joint Resolution(s) No(s). 188; Senate Joint Resolution(s) No(s). 144 and 145; House Bill(s) No(s). 305, 1128, 804, 1537, 1532, 1505 and 325; House Joint Resolution(s) No(s). 236; also, House Bill(s) No(s). 326, 355, 15, 1550, 319, 283, 1509, 1629, 1407, 1420, 785, 708, 290, 1500, 1230, 463, 1091, 919, 291, 417, 1321 and 1200.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Thursday, May 13, 1993: House Bill(s) No(s). 337 and 1477; House Joint Resolution(s) No(s). 210; House Bill(s) No(s). 881; Senate Joint Resolution(s) No(s). 67; House Resolution(s) No(s). 67, 58 and 56; Senate Joint Resolution No(s). 157; also, House Bill(s) No(s). 1585.

REPORTS FROM STANDING COMMITTEES

The committees that met on Wednesday, 12, 1993, reported the following:

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CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for adoption: House Joint Resolution(s) No(s). 289 and 258. Under the rules, each was transmitted to the Calendar and Rules Committee.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 1664 could be heard by the Delayed Bills Committee today at 1:15 p.m., which motion prevailed.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 0309 -- Memorials, Government Officials -- Urges President Clinton to appoint Gilbert S. Merritt as justice to United States Supreme Court. by *Purcell.

Calendar and Rules Committee.

House Joint Resolution No. 0311 -- Highway Signs -- James R. Brantley Memorial Highway, segment of U.S. 41, Coffee County. by *Lewis.

Transportation Committee.

House Joint Resolution No. 0312 -- Naming and Designating -- "Dr. Talib-Karim Muhammad Appreciation Day," July 25, 1993. by *Thompson.

Calendar and Rules Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Wednesday, May 12, 1993:

House Resolution No. 0069 -- Memorials, Interns -- Dorsey Hopson. by *Dixon, *Brooks.

House Resolution No. 0070 -- Memorials, Interns -- Chung Hee Kim. by *Purcell.

House Resolution No. 0071 -- Memorials, Interns -- Becky Hill. by *Davidson.

House Joint Resolution No. 0308 -- Memorials, Interns -- Edward G. Salo.

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House Joint Resolution No. 0310 -- Memorials, Sports -- E. D. "Ickey" Jernigan, TSSAA Hall of Fame. by *Lewis.

House Joint Resolution No. 0313 -- Memorials, Retirement -- Lucille Ryan. by *Givens.

House Joint Resolution No. 0314 -- Memorials, Retirement -- Margie Alford. by *Armstrong.

House Joint Resolution No. 0315 -- Memorials, Public Service -- Lavon "Rusty" Redd. by *Rigsby.

House Joint Resolution No. 0316 -- Memorials, Recognition and Thanks -- Wayne Fletcher. by *Hargrove.

House Joint Resolution No. 0318 -- Memorials, Sports -- 1992-1993 Scott High School girls' basketball team. by *Winningham.

House Joint Resolution No. 0319 -- Memorials, Retirement -- William H. Swain. by *Winningham.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, May 13, 1993:

House Resolution No. 0072 -- Memorials, Retirement -- Mrs. Henrene A. Jenkins. by *DeBerry, *Jones R, *Miller, *Brooks, *Thompson.

House Resolution No. 0073 -- Memorials, Professional Achievement -- Effie Driskill Thacker, "Who's Who in Tennessee Nursing Homes". by *Ferguson.

House Joint Resolution No. 0321 -- Naming and Designating -- "Dr. Talib-Karim Muhammad Appreciation Day," July 25, 1993. by *Brooks, *Miller, *Jones U, *Jones R, *DeBerry, *Thompson, *Dixon.

House Joint Resolution No. 0322 -- Memorials, Public Service -- Jennings Jones. by *Liles.

House Joint Resolution No. 0323 -- Memorials, Retirement -- Sarah Frances Prince, Assistant Commissioner. by *Peroulas Draper, *Ritchie, *Tindell, *Boyer, *Severance, *Bittle, *Armstrong.

House Joint Resolution No. 0324 -- Memorials, Death -- The Reverend Andrew "Jack" Prince. by *Peroulas Draper, *Ritchie, *Tindell, *Boyer, *Severance, *Bittle, *Armstrong.

House Joint Resolution No. 0325 -- Memorials, Death -- Tim Kerin, University of Tennessee athletic trainer. by *Severance, *Boyer, *Tindell, *Armstrong, *Ritchie, *Bittle, *Peroulas Draper.

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MESSAGE FROM THE SENATE
May 12, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 213, 217, 218, 219, 220, 221 and 222; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Joint Resolution No. 0213 -- Memorials, Government Officials -- Urges President Clinton to appoint Gilbert S. Merritt as justice on United States Supreme Court. by *Wilder, *Henry, *Cooper, *Burks, *Person, *Cohen, *Crowe, *Crutchfield, *Davis, *Ford, *Hamilton, *Harper, *Haynes, *Kyle, *McKnight, *O'Brien, *Rochelle, *Springer, *Wallace, *Womack.

Senate Joint Resolution No. 0217 -- Memorials, Retirement -- Elizabeth Olivia Corder Seay. by *Rochelle.

Senate Joint Resolution No. 0218 -- Memorials, Academic Achievement -- Lisa Kemp, 1993 Valedictorian, Smith County High School. by *Rochelle.

Senate Joint Resolution No. 0219 -- Memorials, Academic Achievement -- Myra Bernardo, 1993 Smith County High School Co-Salutatorian. by *Rochelle.

Senate Joint Resolution No. 0220 -- Memorials, Academic Achievement -- Stephen Collins, 1993 Smith County High School Co-Salutatorian. by *Rochelle.

Senate Joint Resolution No. 0221 -- Memorials, Interns -- Amy Boyer. by *Crutchfield, *O'Brien, *Hamilton, *Cohen.

Senate Joint Resolution No. 0222 -- Memorials, Interns -- Mary Agnes Raulston. by *Crutchfield, *O'Brien.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Wednesday, May 12, 1993:

Senate Joint Resolution No. 0210 -- Memorials, Public Service -- Dr. Edward R. Atkinson, Montgomery County Citizen of Year.

Senate Joint Resolution No. 0211 -- Memorials, Academic Achievement -- Christin Ford, Salutatorian, Gordonsville High School.

Senate Joint Resolution No. 0212 -- Memorials, Academic Achievement -- Jennifer Hale, Valedictorian, Gordonsville High School.

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Senate Joint Resolution No. 0214 -- Memorials, Death -- Claude K. Robertson.

Senate Joint Resolution No. 0215 -- Memorials, Interns -- Eric Stanton.

Senate Joint Resolution No. 0216 -- Memorials, Public Service -- Sue Boyd Cain, Executive Director, Tennessee Sentencing Commission.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Thursday, May 13, 1993:

Senate Joint Resolution No. 0217 -- Memorials, Retirement -- Elizabeth Olivia Corder Seay.

Senate Joint Resolution No. 0218 -- Memorials, Academic Achievement -- Lisa Kemp, 1993 Valedictorian, Smith County High School.

Senate Joint Resolution No. 0219 -- Memorials, Academic Achievement -- Myra Bernardo, 1993 Smith County High School Co-Salutatorian.

Senate Joint Resolution No. 0220 -- Memorials, Academic Achievement -- Stephen Collins, 1993 Smith County High School Co-Salutatorian.

Senate Joint Resolution No. 0221 -- Memorials, Interns -- Amy Boyer.

Senate Joint Resolution No. 0222 -- Memorials, Interns -- Mary Agnes Raulston. by *Crutchfield, *O'Brien.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1676 -- Gibson County -- Authorizes commission to decrease fee for persons enrolling in traffic school; provides all funds collected be paid into general fund, be utilized to satisfy approved budget for staffing maintaining safety program. Amends Chapter 28, Private Acts of 1989. by *Phelan.

House Bill No. 1679 -- Martin -- Revises charter changes made by Chapter 62, Private Acts of 1993. Amends Chapter 158, Private Acts of 1992, as amended. by *Herron, *Pinion.

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SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

*Senate Bill No. 1102 -- AIDS -- Makes it a criminal offense to knowingly transmit HIV. Amends TCA, Title 39, Ch. 13, Pt. 1. (HB 0980).

Senate Bill No. 1357 -- District Attorneys -- Creates new criminal investigator position in office of district attorney general for third judicial district, effective July 1, 1993. Amends TCA 16-2-506. (*HB 1039).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1669 -- Cannon County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1671 -- Humboldt -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1672 -- Tipton County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1673 -- Wilson County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1674 -- Ridgetop -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1675 -- Clarksville -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1677 -- Jackson -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1678 -- Smithville -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1680 -- Murfreesboro -- Held on Clerk's desk pending approval by local delegation.

CONSENT CALENDAR

House Bill No. 1646 -- School Districts, Special -- Reduces special school district jurisdiction from grades 1-9 to grades 1-8. Amends Chapter 563, Private Acts of 1949, as amended.

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House Bill No. 1661 -- Trimble -- Enacts new charter. Repeals Chapter 62, Private Acts of 1973, as amended.

House Bill No. 1665 -- Morristown -- Revises civil service system. Amends Chapter 370, Private Acts of 1955, as amended.

House Bill No. 1666 -- Tipton County -- Revises provisions relative to health trust fund. Amends Chapter 8, Private Acts of 1981, as amended.

House Bill No. 1667 -- Haywood County -- Establishes board of education to be elected from school districts for four year staggered terms. Repeals Chapter 286, Private Acts of 1970, as amended.

House Bill No. 1668 -- Putnam County -- Establishes six person school board. Repeals Chapter 14, Private Acts of 1963, as amended.

House Resolution No. 0059 -- Memorials, Death -- Mabel Purnell.

House Resolution No. 0060 -- Memorials, Public Service -- Hilda Mount.

House Resolution No. 0061 -- Memorials, Interns -- Valerie Webb.

House Resolution No. 0062 -- Memorials, Interns -- Lisa Anne Moore.

House Resolution No. 0063 -- Memorials, Interns -- Chris Baxter.

House Resolution No. 0064 -- Memorials, Interns -- Philip Jacobs.

House Resolution No. 0065 -- Memorials, Sports -- 1992-1993 Gleason High School girls' basketball team, TSSAA Class A runner-up.

House Resolution No. 0066 -- Memorials, Sports -- 1992-1993 Sharon Junior High School boys' basketball team.

House Resolution No. 0068 -- Memorials, Public Service -- Barbara and Bernard Bernstein, Brotherhood Sisterhood Award from National Conference of Christians and Jews.

House Joint Resolution No. 0294 -- Memorials, Sports -- Raleigh-Egypt boys' basketball team.

House Joint Resolution No. 0295 -- Memorials, Death -- John Frank Dugger.

House Joint Resolution No. 0296 -- Memorials, Interns -- Angela D. Callis, Intern for Governor's Office.

House Joint Resolution No. 0297 -- Memorials, Interns -- J.A. Bucy, II, Intern, Governor's Office.

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House Joint Resolution No. 0298 -- Memorials, Personal Occasion -- Sadie Hayes, 100th birthday.

House Joint Resolution No. 0299 -- Memorials, Personal Achievement -- Mary Anne Thomas Long, 1993 Tennessee Mother of the Year.

House Joint Resolution No. 0300 -- Memorials, Interns -- Phillip Hayden.

House Joint Resolution No. 0301 -- Memorials, Academic Achievement -- Steven Joshua Horne, 1993 Valedictorian, Mt. Juliet High School.

House Joint Resolution No. 0302 -- Memorials, Public Service -- Juanita Crowe, National President of Ladies Auxiliary of VFW.

House Joint Resolution No. 0303 -- Memorials, Academic Achievement -- Keith Dewayne Pulley, 1993 Valedictorian, Watertown High School.

House Joint Resolution No. 0304 -- Memorials, Professional Achievement -- Kay Senter, First Woman on Morristown City Council.

House Joint Resolution No. 0305 -- Memorials, Recognition and Thanks -- Larry Jackson McCrary.

House Joint Resolution No. 0306 -- Memorials, Interns -- Stephanie Murphy.

Senate Joint Resolution No. 0208 -- Memorials, Retirement -- Joetta Payne.

House Bill No. 0491 -- Civil Service -- Authorizes civil service reinstatement of person who resigned in good standing to serve in full time elected constitutional county office for at least ten years. Amends TCA, Title 8, Ch. 30.

*House Joint Resolution No. 0261 -- General Assembly, Confirmation of Appointment -- Martha Kindle, Tennessee Wildlife Resources Commission.

*House Joint Resolution No. 0262 -- General Assembly, Confirmation of Appointment -- Curtis King, Tennessee Wildlife Resources Commission.

*House Joint Resolution No. 0263 -- General Assembly, Confirmation of Appointment -- Stuart Wood, Tennessee Wildlife Resources Commission.

*House Joint Resolution No. 0264 -- General Assembly, Confirmation of Appointment -- Robert H. Sterchi, Tennessee Wildlife Resources Commission.

House Joint Resolution No. 0183 -- Naming and Designating --

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Winchester's High-on-the Hog Bar-B-Que cookoff, official state barbeque championship competition.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1665; by Rep. Johnson.

House Joint Resolution No. 299: by Rep. McKee.

Under the rules, House Bill No. 1665 and House Joint Resolution No. 299 was/were placed at the foot of the calendar for Thursday, May 13, 1993.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

*House Bill No. 1117 -- Trademarks and Trade Names -- Enacts revised "Model Trademark Act of 1993". Amends TCA, Title 47, Ch. 25.

Rep. Fowlkes moved that House Bill No. 1117 be reset to the Calendar for Thursday, May 13, 1993, which motion prevailed.

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House Bill No. 0564 -- Crime, Victims of -- Makes mandatory the rights of victims of crime and of prosecution witnesses set forth in Victims' Bill of Rights Act of 1990.

On motion, House Bill No. 564 was made to conform with Senate Bill No. 4; the Senate Bill was substituted for the House Bill.

Rep. Windle moved that Senate Bill No. 4 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Windle, as follows:

Amendment No. 1

Amend Senate Bill No. 4 by deleting Sections 1 through 14 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-38-101, is amended by deleting subsection (a) in its entirety and by substituting instead the following new language:

(a) The general assembly finds and declares that victims and witnesses shall have certain rights in this state and that they shall be made aware of these rights.

SECTION 2. Tennessee Code Annotated, Section 40-38-102, is amended by deleting the section in its entirety and by substituting instead the following new language:

40-38-102.

(a) All victims of crime and prosecution witnesses shall have the right to:

(1) Be treated with dignity and compassion; and

(2) Protection and support with prompt action in the case of intimidation or retaliation from the defendant and the defendant's agents or friends.

(b) Without requiring the expenditure of additional funds or additional construction or renovation, whenever possible, victims of crime and prosecution witnesses shall be provided waiting areas that are separate and secure from the defendant or defense witnesses during all stages of the judicial process.

SECTION 3. Tennessee Code Annotated, Section

40-38-103, is amended by deleting the words and punctuation "All victims of crime should have the right to:" and by substituting instead the words and punctuation "All victims of crime shall upon their request have the right to:".

SECTION 4. Tennessee Code Annotated, Section 40-38-104(a), is amended by deleting the words "parents of such child should be able to apply" and by substituting instead the words "parents of such child shall be able to apply."

SECTION 5. Tennessee Code Annotated, Section 40-38-105(a), is amended by deleting the words "should be able to expect" in the first sentence thereof and by substituting instead the words "shall be able to expect," and is further amended by deleting the words "should make every effort" in the second sentence thereof and by substituting instead the words "shall make every effort."

SECTION 6. Tennessee Code Annotated, Section 40-38-105(b), is amended by deleting the words "should be able to expect" and by substituting instead the words "shall be able to expect."

SECTION 7. Tennessee Code Annotated, Section 40-38-106, is amended by deleting the language and punctuation "Victims of crimes involving offenses against property should have the right to:" and by substituting instead the language and punctuation "Victims of crimes involving offenses against property shall have the right to:."

SECTION 8. Tennessee Code Annotated, Section 40-38-106(3), is amended by deleting the item in its entirety and by substituting instead the following language:

(3) Once a claim under the criminal injuries compensation fund has been filed with the state, such claim shall be disposed of expeditiously and any award or other benefit to which a victim may be entitled shall be paid promptly.

SECTION 9. Tennessee Code Annotated, Section 40-38-103, is amended by inserting between the words "in writing" and the words "by the office" in subsection 91) the words "or by video tape."

SECTION 10. Tennessee Code Annotated, Section 40-38-103, is further amended by deleting from subsection 92) the words "Be present during plea bargaining" and substituting instead the words "whenever possible, victims of violent crime, involving death of a family member or serious bodily injury, be advised and informed of plea bargaining discussions and agreements prior to the entry of any plea agreement."

SECTION 11. Tennessee Code Annotated, Section 40-38-103, is further amended by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b) Upon the request of a victim of violent crime, involving serious bodily injury or death of a relative, such victim shall be supplied information and a request form by the law enforcement agency responsible for the investigation of the crime and or the arrest of the defendant, the sheriff or other custodian of the defendant, or the victim-witness coordinator as to how the victim or relative of a victim may request and secure notification of the release from custody of an offender from a jail or detention facility prior to trial. The jailer, sheriff or other custodian of criminal offenders shall maintain a record or file of such request forms and, prior to the release of an offender about whom a notification request has been made, give immediate and prompt notice of such release to the requesting victim, or family member of a victim by the most direct means available, including telephone, messenger or telegram.

SECTION 12. Tennessee Code Annotated, Section 40-38-105 is amended by deleting the second sentence of subsection (a) and substituting instead the following:

To this end, all persons involved in the criminal justice system shall make every effort to dispose of any charges against a defendant within one hundred eighty (180) days of the date of the defendant's indictment, and in those cases in which the defendant is charged with a crime of violence involving death or serious bodily injury to a victim, all applications for continuance of any court date by any party shall be in writing setting out the reasons for the continuance. If at any time during the proceeding, the court grants a continuance to the defendant and the defendant is not represented by an attorney, the court shall file an order in the records setting out the reasons why the court granted the continuance. If, for any reason, the case is not tried or otherwise disposed of in one hundred eighty (180) days of the indictment, the court shall set out in a certificate the reasons why the case is still pending before the court.

SECTION 13. Tennessee Code Annotated, Title 40, Chapter 38, Part 1, is amended by adding the following as a new section:

Section 40-38-1___. Failure to comply with any provision of the chapter shall not create a cause of

action or claim for damages against the state, a political subdivision of the state, a government employee or other official or entity, and no such cause of action shall be maintained. No defendant or person charged with a criminal offense may claim any prejudice or assign any error based upon the failure to comply with any provision of this chapter by the court or any other official of the state.

SECTION 14. This act shall take effect January 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Windle moved that Senate Bill No. 4, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

*House Joint Resolution No. 0214 -- Naming and Designating -- Tennessee State Employee Week, June 13-19, 1993.

Rep. Phillips moved that House Joint Resolution No. 214 be adopted, with the request that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer,

Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 0372 -- Crime, Victims of --** Authorizes disclosure of name of and providing access to witnesses, suspects and crime scene to criminal investigators if felonious acts of bodily harm or sexual offenses occur on premises of hospitals or in facilities licensed by DMHMR. Amends TCA 33-3-104, 37-1-605, 71-6-103.

On motion, House Bill No. 372 was made to conform with **Senate Bill No. 1087**; the Senate Bill was substituted for the House Bill.

Rep. Halteman Harwell moved that **Senate Bill No. 1087** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Halteman Harwell moved that **Senate Bill No. 1087** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

WEDNESDAY, MAY 12, 1993 -- FORTY-FIFTH LEGISLATIVE DAY

House Bill No. 0786 -- Sentencing -- Enacts "Victim Impact Statement Act". Amends TCA, Title 40.

On motion, House Bill No. 786 was made to conform with Senate Bill No. 1057; the Senate Bill was substituted for the House Bill.

Rep. Halteman Harwell moved that Senate Bill No. 1057 be passed on third and final consideration.

1. On motion, Rep. Buck withdrew Judiciary Committee Amendment No.

2. On motion, Rep. Buck withdrew Judiciary Committee Amendment No.

Rep. Halteman Harwell moved that Senate Bill No. 1057 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

*House Bill No. 0462 -- Economic and Community Development -- Establishes neighborhood development corporations. Amends TCA, Title 13, Ch. 13.

Further consideration of House Bill No. 462, previously considered on May 6, 1993, at which time it was reset to the Calendar for May 12, 1993.

Rep. Dixon moved that House Bill No. 462 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1.

Amend House Bill No. 462 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 13-13-104(e), is amended by inserting in the first sentence the language ", or the citizens of the twenty-eighth (28th) state representative district, as defined by §3-1-103, or the citizens of the sixty-seventh (67th) state representative district, as defined by §3-1-103," between the language "§3-1-102," and the words "may submit a petition".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Love moved to adopt Amendment No. 2, seconded by Rep. Dixon as follows:

Amendment No. 2

Amend House Bill No. 462 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 13-13-104(e), is amended by inserting in the first sentence the language ", or the citizens of the fifty-fourth (54th) state representative district, as defined by §3-1-103," between the language "§3-1-102," and the words "may submit a petition".

On motion, Amendment No. 2 was adopted.

Rep. Dixon moved that House Bill No. 462, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Howell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer,

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Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1045 -- Regional Authorities -- Establishes an authority to plan, develop, finance, manage, and operate Olympic event on Ocoee River. Amends TCA, Titles 4, 64.

Further consideration of House Bill No. 1045, previously considered on May 10, 1993, at which time it was reset to the Calendar for May 12, 1993.

Rep. Fisher requested that House Bill No. 1045 be moved down 5 places on the Calendar.

House Bill No. 0751 -- Hospitals and Health Care Facilities -- Revises freezer standards for nursing homes. Amends TCA, Title 68, Ch. 11; Title 71, Ch. 5.

Rep. Kisber moved that House Bill No. 751 be reset to the next available space to the Calendar for Thursday, May 13, 1993, which motion prevailed.

House Bill No. 0758 -- Health, Dept. of -- Revises procedure and income reporting requirements for grant assistance programs; requires monthly payment of grant. Amends TCA, Title 71, Ch. 5, Pt. 13.

Rep. Kisber moved that House Bill No. 758 be reset to the next available space to the Calendar for Thursday, May 13, 1993, which motion prevailed.

House Bill No. 0736 -- Taxes, Sales -- Exempts from sales tax the purchase of electricity used to generate radiant heat for production when sold to or used by manufacturers. Amends TCA 67-6-206.

On motion, House Bill No. 736 was made to conform with Senate Bill No. 697; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 697 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Kisber moved that Senate Bill No. 697 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	87
Noes.	8

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinton, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Arriola, DeBerry, Garrett, McAfee, Ritchie, Shirley, Tindell, Williams (Shelby) -- 8.

A motion to reconsider was tabled.

*House Bill No. 1142 -- Local Government, General -- Authorizes local governmental entities to insure or indemnify employees beyond limits of liability established for governmental entity. Same as *HB 1591. Amends TCA, Title 29, Ch. 20.

Rep. West moved that House Bill No. 1142 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1, seconded by Rep. West, as follows:

Amendment No. 1

Amend House Bill No. 1142 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 29-20-310, is amended in subsection (d) by adding the following before the period at the end of the subsection:

except in causes of action in which the liability of governmental employees is not limited as provided in this chapter

On motion, Amendment No. 1 was adopted.

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Rep. West moved that House Bill No. 1142, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	7

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Bragg, Coffey, Haley, Haun, Ramsey, Rhinehart, Whitson -- 7.

A motion to reconsider was tabled.

House Bill No. 1045 -- Regional Authorities -- Establishes an authority to plan, develop, finance, manage, and operate Olympic event on Ocoee River. Amends TCA, Titles 4, 64.

Further consideration of House Bill No. 1045, previously considered on today's Calendar.

Rep. Fisher requested that House Bill No. 1045 be moved down twelve places on the Calendar.

House Bill No. 1049 -- Motor Vehicles -- Authorizes car rental companies to charge 2 percent surcharge on each rental contract; authorizes surcharge revenues to be remitted to state general fund.

On motion, House Bill No. 1049 was made to conform with Senate Bill No. 907; the Senate Bill was substituted for the House Bill.

Rep. Severance moved that Senate Bill No. 907 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Severance moved that Senate Bill No. 907 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	73
Noes.	16
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Brooks, Brown, Buck, Callicott, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stulce, Thompson, Turner (Hamilton), Venable, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Winningham, Wix -- 73.

Representatives voting no were: Bragg, Byrd, Chumney, Haley, Jones U (Shelby), Liles, McAfee, McDaniel, Pinion, Ramsey, Walley, Williams (Union), Windle, Wood, Mr. Speaker Naifeh -- 15.

Representatives present and not voting were: Ritchie, Tindell -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 907 and have this statement entered in the Journal: Rep(s). West.

REGULAR CALENDAR, CONTINUED

*House Bill No. 0286 -- Insurance, Health, Accident -- Requires health insurance contracts which reimburse services in lawful scope of practice of duly certified nurse midwife to reimburse for such service whether performed by duly licensed physician or duly certified nurse midwife. Amends TCA, Title 56, Ch. 7, Pt. 1.

Rep. Dixon moved that House Bill No. 286 be reset to the Calendar for Thursday, May 13, 1993, which motion prevailed.

House Bill No. 0457 -- Education -- Establishes model laboratory school program. Amends TCA, Title 49.

On motion, House Bill No. 457 was made to conform with Senate Bill No. 746; the Senate Bill was substituted for the House Bill.

Rep. Dixon moved that Senate Bill No. 746 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

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On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Dixon moved that Senate Bill No. 746 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1070 -- Local Education Agency -- Provides that employees of local education agencies may serve on state boards and commissions created by statute without loss of compensation, benefits or leave. Amends TCA, Title 49.

Rep. Dixon moved that House Bill No. 1070 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1070 by deleting from subsection (a) of the amendatory language of SECTION 1 the following language:

"Any teacher who has been elected or appointed to serve on any state board, commission, or committee which has been created by statute"

and substituting instead the following new language:

If the provisions of any statute creating a state board, commission, or committee specify or authorize a teacher or other certificated employee of a local education agency to serve as a member, then any teacher or other certificated employee

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AND FURTHER AMEND subsection (a) of the amendatory language of SECTION 1 by adding the following new language:

The provisions of this section apply, but are not limited to, Tennessee Code Annotated, Sections 8-34-302, 8-27-301, 49-1-301, 49-5-5102, and 49-6-2201.

AND FURTHER AMEND by deleting from subsection (a) of the amendatory language of SECTION 2 the following language:

"Any employee of a local education agency who has been elected or appointed to serve on any state board, commission, or committee which has been created by statute"

and substituting instead the following new language:

If the provisions of any statute creating a state board, commission, or committee specify or authorize an employee of a local education agency to serve as a member, then such employee

AND FURTHER AMEND subsection (a) of the amendatory language of SECTION 2 by adding the following new language:

The provisions of this section apply, but are not limited to, Tennessee Code Annotated, Sections 8-34-302, 8-27-301, 49-1-301, 49-5-5102, and 49-6-2201.

On motion, Amendment No. 1 was adopted.

Rep. Dixon moved that House Bill No. 1070, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Haley -- 1.

A motion to reconsider was tabled.

***House Bill No. 1658 -- County Officers --** Authorizes constables in DeKalb County to carry handguns and equip vehicles with blue and red lights and sirens. Amends TCA, Title 8, Ch. 10; Title 39, Ch. 17; Title 55, Ch. 9.

Rep. Buck moved that House Bill No. 1658 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1658 by adding the following to the end of the amendatory language of Section 2:

The county commission may, by a two-thirds (2/3) vote, require any such constable to have in effect a liability policy in an amount of not less than fifty thousand dollars (\$50,000).

Rep. Buck moved to amend as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 1658 by inserting in the amendatory language added by House Judiciary Committee Amendment #1 the language "or a corporate surety bond" between the word "policy" and the word "in".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Buck moved that House Bill No. 1658, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	66
Noes.	0
Present and not voting.	29

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bragg, Brown, Buck, Byrd, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davis, Dixon, Duer, Fisher, Garrett, Givens, Gunnels, Hargrove, Hassell, Head, Herron, Huskey, Johnson, Jones R (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom,

Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, West, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 66.

Representatives present and not voting were: Anderson, Boyer, Brooks, Coffey, Davidson, DeBerry, Ferguson, Fowlkes, Haley, Halteman Harwell, Haun, Hillis, Jones U (Shelby), Joyce, Knight, Lewis, Liles, Peroulas Draper, Ramsey, Rhinehart, Ritchie, Severance, Shirley, Stamps, Walley, Westmoreland, Whitson, Williams (Union), Williams (Williamson) -- 29.

A motion to reconsider was tabled.

House Bill No. 0495 -- Public Contracts -- Specifies vendor's qualifications required in contracts for goods and services with agencies and departments of state government. Amends TCA 12-4-109.

Rep. Buck moved that House Bill No. 495 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. Buck, as follows:

Amendment No. 1

Amend House Bill No. 495 by deleting Sections 1 and 2 of the bill in their entirety and by substituting instead the following:

SECTION 1. Section 12-4-109(a)(1) is amended by deleting the last sentence in said subsection in its entirety which reads as follows:

Such regulations shall require to the greatest practicable extent evaluation and consideration of proposers' qualifications and cost in the awarding of the contracts.

and substituting in lieu thereof the following:

Such regulations shall require:

(A) To the greatest practicable extent evaluation and consideration of proposers' qualifications and cost in the awarding of the contracts; and

(B) The evaluation methodology and the major categories to be considered in the evaluation of the proposals along with the relative weight of each category shall be included in the final solicitation document; the categories shall include, whenever practicable, (1) qualifications, (2) experience, (3) technical approach, and (4) cost.

In addition, the evaluation instrument used to assign points within each major category shall be included in the final solicitation document or as an addendum to the final solicitation document and shall include the actual points assigned to each evaluation question or factor; and

(C) That proposers be given a reasonable time to consider evaluation factors set forth in the solicitation document before submitting cost proposals and, further, that no cost proposals may be opened until the evaluation of the non-cost sections of the proposal has been completed; and

SECTION 2. Section 12-4-109, is amended by adding a new subsection as follows:

(d)(1) Any actual proposer who claims to be aggrieved in connection with a specific solicitation process authorized under this section may protest to the head of the affected department or agency. The protest shall be submitted in writing within ten (10) days after such claimant knows or should have known of the facts giving rise to the protest.

(2) The head of the affected department or agency has the authority to resolve the protest. If deemed necessary, the head of the affected department or agency may request a meeting with the protesting party.

(3) The head of the affected department or agency shall have no longer than sixty (60) days from receipt of a protest to resolve the protest. The final determination of the head of the affected department or agency shall be given in writing and submitted to the protesting party.

(4) The protesting party may request that the final determination of the head of the affected department or agency be considered at a meeting of a review committee that is composed of the commissioner of general services, the commissioner of finance and administration, the comptroller of the treasury, or their designees, and the head of the affected department or agency. The request for consideration shall be made in writing to the committee within ten (10) days from the date of the final determination by the head of the affected department or agency.

(5) In the event that the head of the affected department or agency fails to respond to a protest within fifteen (15) days of receipt of a protest or fails to resolve the protest within sixty (60) days, the protesting party may request that the review committee consider the protest at a meeting.

(6) Prior to the award of a contract, a proposer who has protested may submit to the head of the affected department or agency a written petition for stay of award. Such stay shall become effective upon receipt by the state. The state shall not proceed further with the solicitation process or the award of the contract until the protest has been resolved in accordance with this section, unless the review committee makes a written determination that continuation of the solicitation process or the award of the contract without delay is necessary to protect substantial interests of the state. It shall be the responsibility of the head of the affected department or agency, with the assistance of the procuring department or agency, to seek such a determination by the review committee.

(7) Nothing in this act shall be construed to require a contested case hearing as set forth at Tennessee Code Annotated, Title 4, Chapter 5. The protesting party must exhaust all administrative remedies provided in this section prior to the initiation of any judicial review of the protest.

(8) Should a protest be received by the state subsequent to a contract being completely executed pursuant to a solicitation process authorized under this section, the Tennessee Claims Commission shall have exclusive jurisdiction to determine all monetary claims against the state including, but not limited to, claims for the negligent deprivation of statutory or constitutional rights.

SECTION 3. This act shall take effect July 1, 1993, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck requested that House Bill No. 495 be moved down 3 places on the Calendar.

House Bill No. 1437 -- Right to Die -- Authorizes emergency medical services personnel to honor "Do Not Resuscitate" order properly executed by patient. Amends TCA, Title 68, Ch. 140.

On motion, House Bill No. 1437 was made to conform with Senate Bill No. 370; the Senate Bill was substituted for the House Bill.

Rep. Bittle moved that Senate Bill No. 370 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 370 by deleting Section 4 in its entirety and by redesignating subsequent sections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Bittle moved that Senate Bill No. 370, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	79
Noes	11
Present and not voting	7

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Buck, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Kent, Kisber, Lewis, Liles, Love, McDaniel, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix -- 79.

Representatives voting no were: Byrd, DeBerry, Haun, Joyce, McAfee, Meyer, Ramsey, Shirley, Stockburger, Turner (Hamilton), Wood -- 11.

Representatives present and not voting were: Brooks, Brown, Jones U (Shelby), Kernell, Knight, McKee, Mr. Speaker Naifeh -- 7.

A motion to reconsider was tabled.

*House Bill No. 0440 -- Fire Prevention and Investigation -- Extends protection of Good Samaritan Law to certain volunteer fire squads providing fire protection within six mile radius of county surrounding plant. Amends TCA 63-6-218.

Rep. Davis moved that House Bill No. 440 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 440 by deleting all language following the word and punctuation "THEN:" in subsection (d) of the amendatory language of Section 1 and substituting instead the following:

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The members of such volunteer fire squad, while providing fire protection within such area outside the plant, shall be liable to suit under the provisions of the Governmental Tort Liability Act, as provided in Tennessee Code Annotated, Title 29, Chapter 20, Part 2.

On motion, Amendment No. 1 was adopted.

Rep. Davis moved that House Bill No. 440, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

House Bill No. 0495 -- Public Contracts -- Specifies vendor's qualifications required in contracts for goods and services with agencies and departments of state government. Amends TCA 12-4-109.

Further consideration of House Bill No. 495, previously considered on today's Calendar.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

Rep. Buck moved that House Bill No. 495, as amended, be passed

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on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0205 -- Telecommunications -- Authorizes increases in E-911 service charges if approved by voters in district. Amends TCA 7-86-108.

On motion, House Bill No. 205 was made to conform with Senate Bill No. 216; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 216 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 2.

Rep. Rinks moved that Senate Bill No. 216 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	84
Noes.	6

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Halteman, Harwell, Hassell, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips,

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Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Wailey, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Boyer, Garrett, Haley, McAfee, Turner (Shelby), Wood -- 6.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from present not voting to aye on Senate Bill No. 216 and have this statement entered in the Journal: Rep(s). McDaniel.

REGULAR CALENDAR, CONTINUED

House Bill No. 0158 -- Drugs -- Authorizes discretion to trial court for certain criminal defendants for option of drug offender school or community service work. Amends TCA, Title 39, Ch. 17, Pt. 4.

On motion, House Bill No. 158 was made to conform with Senate Bill No. 176; the Senate Bill was substituted for the House Bill.

Rep. Thompson moved that Senate Bill No. 176 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Armstrong moved that Senate Bill No. 176 be reset to the Calendar for Tuesday, May 18, 1993.

Rep. Thompson moved to table the motion to reset, which motion failed.

On motion, Senate Bill No. 176 was reset to the Calendar for Tuesday, May 18, 1993, which motion prevailed.

*House Bill No. 0990 -- Physicians and Surgeons -- Requires University of Tennessee and East Tennessee State University to develop and implement plan to graduate as primary care physicians or family practitioners 10 percent more than currently graduating. Amends TCA, Title 49.

Rep. Herron requested that House Bill No. 990 be moved down 5 places on the Calendar.

House Bill No. 1045 -- Regional Authorities -- Establishes an authority to plan, develop, finance, manage, and operate Olympic event on Ocoee River. Amends TCA, Titles 4, 64.

Rep. Fisher requested that House Bill No. 1045 be moved to the heel of the Calendar.

House Bill No. 0819 -- Sentencing -- Increases penalty for fraudulently obtaining benefits or payments for medical assistance under medicaid program from Class E to Class C felony. Amends TCA, Titles 38, 39, 71.

On motion, House Bill No. 819 was made to conform with **Senate Bill No. 661**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that **Senate Bill No. 661** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Herron moved that **Senate Bill No. 661** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1466 -- Taxes, Ad Valorem -- Exempts certain real and personal property from ad valorem taxation; establishes procedure for persons claiming exemption. Amends TCA, Title 67, Ch. 5. Repeals TCA 67-5-218.

On motion, House Bill No. 1466 was made to conform with Senate Bill No. 987; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that Senate Bill No. 987 be passed on third and final consideration.

Rep. Ritchie moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 987 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ Tennessee Code Annotated, Title 67, Chapter 5, is amended by adding the following as a new part to be designated as part 26:

Section 67-5-2601. "Insolvent property" as used in this part, means property subject to tax liens, and to special assessments and improvement district liens, and other similar liens securing obligations in excess of the amount for which the property can be sold to a private purchaser at a tax sale.

Section 67-5-2602. Tax liens on insolvent property may be compromised and settled in the manner hereinafter set forth:

(1) By the county and municipality in cooperation, where such property is located within an incorporated municipality; and

(2) By the county and state in cooperation, when such property is located in the county outside such municipality.

Section 67-5-2603.

(a) When the insolvent property is located within an incorporated municipality, the county trustee (or someone designated by him), the chief executive officer of the municipality (or someone designated by him), and such official as is directly in charge of the administration of the financial affairs of such municipality (or someone designated by him) are appointed as a "board for the settlement of liens on insolvent property," hereinafter referred to as the board.

(b) When the insolvent property is located in the county but outside such municipality, the county executive (or someone designated by him), the county trustee (or someone designated by him) and the county tax assessor (or someone

designated by him), are appointed as a "board for the settlement of liens on insolvent property," hereinafter referred to as the board.

Section 67-5-2604.

(a) Any person owning property, which he considers to be insolvent property, may apply to either member of the appropriate board for a settlement of the tax liens, special assessment, and improvement district liens, and other similar liens on his property.

(b) If the board is of the opinion that the property in question is actually insolvent property, the board shall notify the property owner of the amount of money which the board will accept in full settlement of the liens heretofore mentioned, or such thereof as attached to the property; which amount of money shall be not less than the amount for which, in the opinion of the board, the property could be sold to a private purchaser at a tax sale, provided, however, that if the amount agreed upon is equal to or less than the aggregate of the original taxes, and/or special assessment, the same shall be settled without reference to interest and penalty.

(c) In the absence of fraud, the decision of the board as to the value, for which the property could be sold at a tax sale, shall be conclusive.

Section 67-5-2605.

(a)(1) Any property owner desiring to take advantage of the decision of the board shall deposit with the county trustee the amount which the board has indicated its willingness to accept.

(2) The board shall then make a written report, signed by all of its members (or their respective designated representatives), which report shall state the name of the property owner, a brief description of the property, which shall be the same as or similar to the description under which the property is assessed, the total amount of the existing liens, and the amount for which the liens are proposed to be settled.

(3) The liens sought to be settled shall not be deemed to be satisfied until:

(A) The written report shall have been

presented to the legislative body of the municipality involved and spread upon the minutes of such body, where the property is situated within an incorporated municipality; or

(B) The written report shall have been presented to the county legislative body and spread upon the minutes of such county legislative body, where the property is situated in the county but not within an incorporated municipality.

(b)(1) It shall not be necessary for the legislative body of the municipality, or for the county legislative body, as the case may be, to take any action on the report of the board other than to cause the same to be spread on its minutes.

(2) It shall thereupon be the duty of each official charged with the collection of any such taxes and/or assessments to note upon the appropriate tax records the fact that the taxes involved in the report have been settled.

(3) Upon this being done, and not until then, the liens of such taxes and/or assessments shall be deemed discharged.

(c) Only those liens securing obligations which are due and delinquent at the time the decision of the board is made shall be discharged in the manner herein provided.

(d) In all settlements involving liens, for the enforcement of which suits have been filed, the board shall file its report in such pending suit or suits and not elsewhere, and the property owner shall deposit with the clerk of the court, instead of the county trustee, the amount of money which the board has indicated its willingness to accept, and it shall be necessary that such settlements be approved by the court in which the suits are pending, before the settlements become final; and in such cases, it shall not be necessary as a prerequisite to its effectiveness, that a notation of settlement be first made upon the tax records.

Section 67-5-2606. The money so paid into the hands of the county trustee or the clerk of the court, as the case may be, shall be used to pay the following obligations in the order named:

(1) Court costs and attorney's fees, if any, in all cases where suits for enforcement of the liens are pending;

(2) State taxes, or such amount thereof, as the commissioner of revenue, with the consent of the governor and attorney general, is willing to accept in full settlement thereof, which state officials are authorized to compromise such taxes in a manner similar to that provided in Section 67-5-2505;

(3) County and municipal taxes, beginning with the taxes which have most recently become delinquent, and proceeding successively to the oldest taxes against the property. If the money available is sufficient to pay part, but not all of the county and municipal taxes for each of such years, the same will be apportioned between county and municipality in the proportion of the amounts of their respective delinquent taxes for those years; and

(4) Any special assessment, improvement district, or other similar liens, according to their legal priorities.

Rep. Herron moved that Senate Bill No. 987 be reset to the Calendar for Thursday, May 13, 1993, which motion prevailed.

RECESS MOTION

Rep. Purcell moved that the House stand in recess until 1:30 p.m., which motion prevailed.

ENROLLED BILLS

May 11, 1993 (received on May 12, 1993)

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 748, 872, 920, 1013, 1014, 1148, 1163, 1318, 1373, 1419 and 1423; House Joint Resolution(s) No(s). 119, 287, 288, 290, 291, 292 and 293; also, House Resolution(s) No(s). 53.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 12, 1993

The Speaker announced that he had signed the following: House Bill(s) No(s). 748, 872, 920, 1013, 1014, 1148, 1163, 1318, 1373,

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1419 and 1423; House Joint Resolution(s) No(s). 119, 287, 288, 290, 291, 292 and 293; also, House Resolution(s) No(s). 53.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 12, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 491, 1646, 1666, 1667 and 1668; also, House Joint Resolution(s) No(s). 183, 214, 261, 262, 263, 264, 294, 295, 296, 297, 298, 301, 302, 303, 304, 305 and 306.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

REPORT OF DELAYED BILLS COMMITTEE

May 12, 1993

Pursuant to Rule No. 77, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 1662, 1664 and 1681.

Jimmy Naifeh, Speaker

Bill Purcell

H. E. Bittle

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the introduction of House Bill No. 1662, which motion prevailed.

House Bill No. 1662 -- Handicapped Persons -- Revises impaired drivers fund to be statewide to provide financial assistance to persons sustaining traumatic brain injuries. Amends TCA 9-4-206. by *Arriola.

Rep. Purcell moved that the rules be suspended for the passage on first consideration of House Bill No. 1662, which motion prevailed.

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RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the introduction of House Bill No. 1664, which motion prevailed.

***House Bill No. 1664 -- Racing --** Authorizes regulation of licensure of automobile race tracks by county commission in Lawrence County. Amends TCA, Title 55, Ch. 22. by *Moore.

Rep. Purcell moved that the rules be suspended for the passage on first consideration of House Bill No. 1664, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the introduction of House Bill No. 1681, which motion prevailed.

House Bill No. 1681 -- Taxes, Severance -- Removes exemption of Rutherford County from provisions relative to severance tax on sand, gravel, sandstone, chert and limestone. Amends TCA, Title 67, Ch. 7, Pt. 2. by *Bragg, *Liles, *Mires.

Rep. Purcell moved that the rules be suspended for the passage on first consideration of House Bill No. 1681, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the introduction of House Bill No. 1682, which motion prevailed.

House Bill No. 1682 -- Montgomery County -- Increases wheel tax from \$20.00 to \$30.00. Amends Chapter 283, Private Acts of 1967, as amended. by *Head, *Knight.

Rep. Purcell moved that the rules be suspended for the passage on first consideration of House Bill No. 1682, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 320 out of order, which motion prevailed.

House Joint Resolution No. 0320 -- General Assembly, Recess -- Provides for recess on Thursday, May 13, 1993, to reconvene on May 18, 1993. by *Purcell, *Bittle.

On motion, the rules were suspended for the immediate consideration of the resolution.

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On motion of Rep. Purcell, the resolution was adopted.

A motion to reconsider was tabled.

SPECIAL CONSENT CALENDAR

House Resolution No. 0069 -- Memorials, Interns -- Dorsey Hopson.

House Resolution No. 0070 -- Memorials, Interns -- Chung Hee Kim.

House Resolution No. 0071 -- Memorials, Interns -- Becky Hill.

House Joint Resolution No. 0308 -- Memorials, Interns -- Edward G. Salo.

House Joint Resolution No. 0310 -- Memorials, Sports -- E. D. "Ickey" Jernigan, TSSAA Hall of Fame.

House Joint Resolution No. 0313 -- Memorials, Retirement -- Lucille Ryan.

House Joint Resolution No. 0314 -- Memorials, Retirement -- Margie Alford.

House Joint Resolution No. 0315 -- Memorials, Public Service -- Lavon "Rusty" Redd.

House Joint Resolution No. 0316 -- Memorials, Recognition and Thanks -- Wayne Fletcher.

House Joint Resolution No. 0318 -- Memorials, Sports -- 1992-1993 Scott High School girls' basketball team.

House Joint Resolution No. 0319 -- Memorials, Retirement -- William H. Swain.

Senate Joint Resolution No. 0210 -- Memorials, Public Service -- Dr. Edward R. Atkinson, Montgomery County Citizen of Year.

Senate Joint Resolution No. 0211 -- Memorials, Academic Achievement -- Christin Ford, Salutatorian, Gordonsville High School.

Senate Joint Resolution No. 0212 -- Memorials, Academic Achievement -- Jennifer Hale, Valedictorian, Gordonsville High School.

Senate Joint Resolution No. 0214 -- Memorials, Death -- Claude K. Robertson.

Senate Joint Resolution No. 0215 -- Memorials, Interns -- Eric Stanton.

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Senate Joint Resolution No. 0216 -- Memorials, Public Service --
Sue Boyd Cain, Executive Director, Tennessee Sentencing Commission.

Pursuant to Rule No. 50, Rep. Turner (Hamilton) moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. 96
Noes. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 0937 -- Fees -- Increases certain fees relative to motor vehicles which are payable to county clerk. Amends TCA, Title 55.

Rep. Whitson moved that House Bill No. 937 be passed on third and final consideration.

Rep. Robinson requested that Transportation Amendments Nos. 1 and 2 be placed at the heel of Amendment No. 3.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1, seconded by Rep. Whitson, as follows:

Amendment No. 3

Amend House Bill No. 937 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 55-3-114, is amended by adding the following new subsection:

(e) The department of safety may contract with a county clerk, and a county clerk may contract with the department of safety for the county clerk to provide services normally performed by the department related to the issuance of titles, the notation of liens and encumbrances, the extension of mortgages, or issuing replacement certificate of titles.

Section _____. Tennessee Code Annotated, Section 55-6-101, is amended by adding the following new subsection:

Revenue to the state from the increased fees provided by Sections 3, 4, and 5 of this act are earmarked to the department of safety for equipment, staff, and other costs incurred by the department or a county clerk's office under contract with the department pursuant to §55-3-114(e).

On motion, Amendment No. 3 was adopted.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 2.

Rep. Kisber moved to adopt Amendment No. 4 as follows:

Amendment No. 4

Amend House Bill No. 937 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 4 was adopted.

Rep. Haley moved to adopt Amendment No. 5, seconded by Rep. Whitson, as follows:

Amendment No. 5

Amend House Bill No. 937 by adding the following new section immediately preceding the last section and by

renumbering the subsequent section accordingly:

Section _____. The provisions of Section 2 of this act shall not apply in any county having a population in excess of 825,000 according to the 1990 federal census or any subsequent federal census.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Whitson requested that House Bill No. 937 be moved down 5 places on the Calendar.

***House Bill No. 0990 -- Physicians and Surgeons -- Requires University of Tennessee and East Tennessee State University to develop and implement plan to graduate as primary care physicians or family practitioners 10 percent more than currently graduating. Amends TCA, Title 49.**

On motion, House Bill No. 990 was made to conform with Senate Bill No. 1298; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that Senate Bill No. 1298 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3.

Rep. Herron moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Herron moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Herron moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Herron moved to adopt Amendment No. 7 as follows:

Amendment No. 7

Amend Senate Bill No. 1298 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 9, Part 7, is amended by adding the following language as a new, appropriately designated section:

Section 49-9-7__.

(a) The University of Tennessee and East Tennessee State University shall jointly develop and implement a plan to encourage graduates of their respective colleges of medicine to become practitioners in the fields of primary care medicine and/or family practice medicine in the state of Tennessee. Such plan shall be designed to ensure that the number of students from each graduating class entering such practice in the state of Tennessee shall be increased by ten percent (10%) over the number of graduates entering such practice prior to the effective date of this act. The requirement for a specific percentage increase shall not apply to any university graduating sixty percent (60%) of a class into family and primary care practices so long as at least sixty percent (60%) of each class continues to be in such practices; provided, however, that such university shall have in place the plan required by this act for emphasizing the education of doctors providing family practice and primary care in Tennessee.

(b) Such plan may include grants, fee waivers, partial or full tuition reimbursement or any other appropriate financial incentives for graduates from the respective colleges of medicine to pursue careers in primary care medicine and/or family practice medicine.

(c) The University of Tennessee and East Tennessee State University shall jointly develop and implement such plan no later than one hundred eighty (180) days after the effective date of this act.

SECTION 2. The cost of development and implementation of said plan shall be equally divided between the two (2) universities from within existing resources.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Herron requested that Senate Bill No. 1298 be moved to the heel of the Calendar.

House Bill No. 1289 -- Handicapped Persons -- Enacts "Head and Spinal Cord Injury Information System Act". Amends TCA 4-29-215; Title 68.

On motion, House Bill No. 1289 was made to conform with Senate Bill No. 1419; the Senate Bill was substituted for the House Bill.

Rep. Arriola moved that Senate Bill No. 1419 be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Arriola moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Arriola moved that Senate Bill No. 1419 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 0871 -- DUI/DWI Offenses -- Makes it an offense for a person charged with an offense involving alcohol or drug use to carry firearm in vehicle. Amends TCA 65-15-122, 106.

On motion, House Bill No. 871 was made to conform with Senate Bill No. 1165; the Senate Bill was substituted for the House Bill.

WEDNESDAY, MAY 12, 1993 -- FORTY-FIFTH LEGISLATIVE DAY

Rep. Moore moved that **Senate Bill No. 1165** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Moore moved that **Senate Bill No. 1165** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	67
Noes	20
Present and not voting	7

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bragg, Brooks, Brown, Buck, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Kent, Kisber, Knight, Lewis, Love, McAfee, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Westmoreland, Whitson, Wix, Wood -- 67.

Representatives voting no were: Allen, Bittle, Boyer, Byrd, Callicott, Joyce, Liles, McDaniel, Meyer, Pruitt, Ramsey, Robinson, Stockburger, Turner (Shelby), Walley, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham -- 20.

Representatives present and not voting were: Dixon, Hassell, Kernell, Ritchie, Shirley, West, Mr. Speaker Naifeh -- 7.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on **Senate Bill No. 1165** and have this statement entered in the Journal: Rep(s). Bittle and McDaniel.

REGULAR CALENDAR, CONTINUED

House Bill No. 1485 -- Crime, Victims of -- Requires arresting officer to inform victim of spousal abuse that offender may post bail and be released. Amends TCA, Title 36, Ch. 3, Pt. 6.

On motion, **House Bill No. 1485** was made to conform with **Senate Bill No. 859**; the Senate Bill was substituted for the House Bill.

Rep. Williams (Shelby) moved that **Senate Bill No. 859** be passed on third and final consideration.

WEDNESDAY, MAY 12, 1993 -- FORTY-FIFTH LEGISLATIVE DAY

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Williams (Shelby) moved that Senate Bill No. 859 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 0937 -- Fees -- Increases certain fees relative to motor vehicles which are payable to county clerk. Amends TCA, Title 55.

The Speaker requested that House Bill No. 937 be moved to the heel of the Calendar.

House Bill No. 1183 -- Workers' Compensation -- Requires proof of workers' compensation coverage before building permit can be issued. Amends TCA, Title 13, Ch. 7.

Rep. Meyer moved that House Bill No. 1183 be reset to the next available space to the Calendar for Thursday, May 13, 1993, which motion prevailed.

House Bill No. 1332 -- Mortgages -- Creates "Home Equity Conversion Mortgage Act". Amends TCA, Titles 45, 47, 66, 67-4-409.

Rep. Meyer moved that House Bill No. 1332 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1, seconded by Rep. Meyer, as follows:

Amendment No. 1

Amend House Bill No. 1332 by deleting Sections 3 through 5 in their entirety and by substituting instead the following:

Section 3. As used in this act, unless the context otherwise requires:

(1) "Authorized lender" or "lender" means (i) a bank, savings and loan association, savings bank, savings institution, or credit union chartered under the laws of the United States or of Tennessee, (ii) The Tennessee Housing Development Agency, provided such agency has authority by THDA board resolution to issue mortgages under this act; or (iii) any other person authorized to make home equity conversion loans by the Commissioner of Financial Institutions.

(2) "Borrower" means a natural person or persons sixty-two (62) years of age or older who occupies and owns in fee simple individually, or with another borrower as tenants by the entirety or as joint tenants with right of survivorship, an interest in residential real property securing a reverse mortgage loan, and who borrows money under a reverse mortgage loan.

(3) "Commissioner" means the commissioner of Financial Institutions.

(4) "Counselor" means an individual who has completed a training curriculum on reverse mortgage counseling provided or approved by The U.S. Department of Housing and Urban Development and whose name is maintained on the HUD's list of approved reverse mortgage counselors.

(5) "Home Equity Conversion Mortgage Loan" means a loan for a definite or indefinite term (i) secured by a first mortgage or first deed of trust on the principal residence of the mortgagor, (ii) the proceeds of which are disbursed to the mortgagor in one (1) or more lump sums, or in equal or unequal installments, either directly by the lender or the lender's agent, and (iii) that requires no repayment until a future time, upon the earliest occurrence of one (1) or more events specified in the reverse mortgage loan contract, and (iv) is labeled clearly on the face of the note and deed of trust or mortgage "This is a Home Equity Conversion Mortgage Loan pursuant to Tennessee Code Annotated, Title 47, Chapter ____."

(6) "HUD" means the United States Department of Housing and Urban Development.

(7) "Outstanding balance" means the current net amount of money owed by the borrower to the lender, calculated in accordance with Section 7, whether or not the sum is suspended under the terms of the reverse mortgage loan agreement or is immediately due and payable.

(8) "Reverse Mortgage" means a mortgage or deed of trust securing a home equity conversion loan or reverse mortgage loan.

(9) "Reverse mortgage loan" means a home equity conversion mortgage loan issued under the terms of this act.

(10) "Shared appreciation" means an agreement by the lender and the borrower that, in addition to any interest accruing on the borrower that, in addition to any interest accruing on the outstanding balance of a reverse mortgage loan, the lender may collect an additional amount equal to a percentage of any net appreciated value of the property during the term of the reverse mortgage loan.

(11) "Total annual percentage rate" means the annual average rate of interest, which provides the total amount owed at loan maturity when this rate is applied to the loan advances, excluding closing costs not paid to third parties, over the term of the reverse mortgage loan.

Section 4.

(a) No person, firm, or corporation shall engage in the business of making reverse mortgage loans unless such person, firm, or corporation is an authorized lender.

(b) The Tennessee Housing Development Agency, and any bank, savings institution, or credit union shall be designated an authorized lender by providing notice not less than thirty (30) days prior to making any Home Equity Conversion Loan or reverse mortgage loan, to the commissioner of its intent to make such loans and stating an effective date. This notification shall be made on a form prescribed by the commissioner and shall contain all information required by the commissioner and contain evidence that the applicant is an approved HUD lender. The commissioner may object to the notice by denying the designation prior to the effective date and shall state in the objection any reasons therefor.

(c) Any person, firm, or corporation not included in subsection (b) shall file an application

for authorization to make reverse mortgage loans which shall be in writing to the commissioner and in the form prescribed by the commissioner. The application shall contain the name and complete business address or addresses of the applicant and contain evidence that the applicant is an approved HUD lender. The application shall also include such information the commissioner deems necessary to evaluate the applicant. Such information may include, but shall not be limited to, affirmation of financial solvency, all capitalization requirements that are required by the commissioner, the character, personal experience and business plan of the applicant. The application shall be accompanied by a nonrefundable fee, payable to the commissioner in an amount established by rule. If the commissioner approves the application, the commissioner shall designate the applicant as an authorized lender.

(d) The commissioner shall maintain a list of authorized lenders.

Section 5.

(a) No authorized lender shall issue a reverse mortgage loan contract unless it complies with all requirements for participation in the U.S. Department of Housing and Urban Development's Home Equity Conversion Mortgage Program (or other similar federal reverse mortgage loan program from time to time created) and is insured by the Federal Housing Administration or other similar federal agency.

(b) Any home equity conversion loan, reverse mortgage loan, mortgage or deed of trust which fails to comply with this act shall be unenforceable as to all interest, service fees, and insurance premiums incurred on the loan.

(c) Prior to accepting an application for a home equity conversion loan an authorized lender shall refer the borrower to a counselor and shall receive certification from the counselor that all borrowers have received counseling.

Section 6. Notwithstanding any other provisions of law to the contrary, the parties to a reverse mortgage loan may contract for the payment of interest at a rate which does not exceed the rate permitted for home loans under Tennessee Code Annotated, Title 47, Chapter 15. Interest shall be deferred until the earliest occurrence of one (1) or more events specified in the reverse mortgage loan contract. Payment of interest on deferred interest shall be as agreed upon by the parties to the contract. The parties may agree that the deferred interest may be added

to the outstanding balance of the loan.

Section 7. A reverse mortgage loan contract may provide that it is the primary obligation of the borrower to pay some or all of the property taxes, hazard insurance premiums, private or federal mortgage insurance premiums, and assessments, in a timely manner, and that the failure of the borrower to make these payments and to provide evidence of payment to the lender may constitute grounds for default of the loan. A reverse mortgage loan contract shall state that if a borrower fails to pay property taxes, insurance premiums, or assessments, the lender may choose, at the lender's option, to pay the amounts due, charge them to the loan, and recalculate regularly scheduled payments under the loan to account for the increased outstanding loan balance.

Section 8.

(a) If a reverse mortgage loan contract allows for a change in the payments or payment options, the lender may charge a reasonable fee when payments are recalculated.

(b) The reverse mortgage loan contract may provide for (i) a monthly service fee, and (ii) a fee for mortgage insurance premiums, which may be collected monthly or in advance. Provided, however such fees shall not exceed the monthly service fee or insurance premium permitted by the U.S. Department of Housing and Urban Development for participation in the Home Equity Conversion Mortgage Program.

(c) The outstanding loan balance shall be calculated by adding the current totals of items described in subdivisions (1) through (4) below, and subtracting the current totals of all reverse mortgage loan payments made by the borrower to the lender:

(1) The sum of all disbursements made by the lender to the borrower, or to another party on the borrower's behalf.

(2) All taxes, assessments, hazard insurance premiums, mortgage insurance premiums, monthly service fees, and other similar charges paid to date by the lender under Section 7 and not reimbursed by the borrower within sixty (60) days of the date payment was made by the lender.

(3) All actual closing costs the borrower has deferred, if a deferral provision is contained in the loan agreement.

(4) The total accrued interest to date.

(d) Prepayment of the reverse mortgage loan, in whole or part, shall be permitted without penalty at any time during the term of the loan.

Section 9.

(a) When a reverse mortgage loan becomes due, if the borrower mortgaged one hundred percent (100%) of the full value of the house then the amount owed by the borrower shall not be greater than (i) the fair market value of the house, minus sale costs, or (ii) the outstanding balance of the loan, whichever amount is less.

(b) If the borrower mortgaged less than one hundred percent (100%) of the full value of the house, the amount owed by the borrower shall not be greater than (i) the outstanding balance of the loan, or (ii) the percentage of the fair market value, minus sale costs, as provided in the contract, whichever amount is less.

(c) The lender shall enforce the debt only through the sale of the property and shall not obtain a deficiency judgment against the borrower.

Section 10.

(a) On forms prescribed by the commissioner, all authorized lenders shall provide all of the following information to the commissioner for dissemination to all counselors who provide counseling to prospective reverse mortgage borrowers:

(1) The borrower's rights, obligations, and remedies with respect to the borrower's temporary absence from the home, late payments by the lender, and payment default by the lender.

(2) Conditions or events that require the borrower to repay the loan obligation.

(3) The right of the borrower to mortgage less than the full value of the home, if permitted by the reverse mortgage loan contract.

(4) The projected total annual percentage rate applicable under various loan terms and appreciation rates and interest rates applicable at sample ages of borrowers.

(5) Standard closing costs.

(6) All service fees to be charged during the term of the loan.

(7) Other information required by the commissioner.

(b) Within ten (10) business days after application is made by a borrower, but not less than twenty (20) business days before closing of the loan, lenders shall provide applicants with the same information required in subsection (a) of this section, shall inform applicants that reverse mortgage counseling is required before the loan can be closed, and shall provide the names and addresses of counselors listed with the Department of Housing and Urban Development.

Section 11.

(a) At the closing of the reverse mortgage loan, the lender shall provide to the borrower the name of the lender's employee or agent who has been designated specifically to respond to inquiries concerning reverse mortgage loans. This information shall be provided by the lender to the borrower at least annually, and whenever the information concerning the designated employee or agent changes.

(b) On an annual basis and when the loan becomes due, the lender shall issue to the borrower, without charge, a statement of account regarding the activity of the mortgage for the preceding calendar year, or for the period since the last statement of account was provided. The statement shall include all of the following information for the preceding year:

(1) The outstanding balance of the loan at the beginning of the statement period.

(2) Disbursements to the borrower.

(3) The total amount of interest added to the outstanding balance of the loan.

(4) Any property taxes, hazard insurance premiums, mortgage insurance premiums, or assessments paid by the lender.

(5) Payments made to the lender.

(6) The total mortgage balance owed to date.

(7) The remaining amount available to the borrower in reverse mortgage loans wherein proceeds have been reserved to be disbursed in one (1) or more lump sum amounts.

Section 12.

(a) A lender's failure to make loan advances to the borrower under the reverse mortgage loan contract shall be deemed the lender's default of the contract. Upon the lender's default, the lender shall forfeit any right to collect interest or service charges under the contract. The lender's right to recovery at loan maturity shall be limited to the outstanding balance as of the date of default, minus all interest. Lenders may also be subject to other default penalties established by the commissioner.

(b) Subsection (a) of this section shall not apply if the lender has previously declared the borrower in default under Section 13, or if the lender makes the required loan advance within the time stated in the mortgage contract or within thirty (30) days of receipt of notice from the borrower that the loan advance was not received.

Section 13. A reverse mortgage loan contract may provide for a borrower's default, thereby triggering early repayment of the loan, based only upon one (1) or more of the following terms and conditions:

(1) The borrower fails to maintain the residence as required by the contract.

(2) The borrower sells or otherwise conveys title to the home to a third party.

(3) The borrower dies and the home is not the principal residence of the surviving borrower.

(4) The home is not the principal residence of at least one (1) of the borrowers for a period of twelve (12) consecutive months for reasons of physical or mental illness.

(5) For reasons other than physical or mental illness, the home ceases to be the principal residence of the borrower for a period of one hundred eighty (180) consecutive days and is not the principal residence of another borrower under the loan, without prior written permission from the lender.

(6) The borrower fails to pay property taxes, hazard insurance premiums, mortgage insurance premiums, service fees and assessments under Section 7.

Section 14. When a borrower's obligation to repay the reverse mortgage loan is triggered under Section 13, in addition to all rights conferred upon owners and borrowers under TCA, Title 35, Chapter 5, the lender must give the borrower not less than ninety (90) days' notice of its intent to initiate foreclosure proceedings. If the

contract so provides, interest will continue to accrue during the ninety (90) day period.

Section 15.

(a) A reverse mortgage may provide that it secures not only existing indebtedness or advances made contemporaneously with the execution thereof, but also future advances, whether obligatory, or optional, or both, and whether made under open-end credit agreements or otherwise, to the same extent as if such future advances were made contemporaneously with the execution of the mortgage, even though no advance is made at the time of the execution of the mortgage and even though no indebtedness is outstanding at the time any advance is made.

(b) All advances made under a reverse mortgage, whether obligatory or optional, relate back to the time of the recording of the mortgage, and are prior and superior to subsequent encumbrances and conveyances, if made in accordance with this act.

(c) All reverse mortgages, in order to have the priority provided in this section, must contain a statement or other notice conspicuously identifying the mortgage as a reverse mortgage or a Home Equity Conversion Mortgage.

(d) A reverse mortgage or reverse mortgage loan made in accordance with this act shall be exempt from the provisions of Tennessee Code Annotated, Title 47, Chapter 28.

Section 16. Reverse mortgage lenders are prohibited from engaging in any of the following acts in connection with the making, servicing, or collecting of a reverse mortgage loan:

(1) Misrepresenting material facts, making false promises, or engaging in a course of misrepresentation through agents or otherwise.

(2) Failing to disburse funds in accordance with the terms of the reverse mortgage loan contract or other written commitment.

(3) Improperly refusing to issue a satisfaction of a mortgage.

(4) Engaging in any action or practice that is unfair or deceptive, or that operates a fraud on any person.

(5) Contracting for or receiving shared appreciation.

(6) Closing a reverse mortgage loan without receiving certification from a counselor that the borrower has received counseling on the advisability of a reverse mortgage loan and the appropriate reverse mortgage loan for the borrower.

(7) Failing to comply with the act.

Section 17.

(a) The commissioner shall adopt rules necessary to implement and enforce the provisions of this act. Upon finding probable cause to believe that an authorized lender or any other person, firm, or corporation is in violation of this act, or of any law or any rule or regulation of this State, the United States, or an agency of the state or the United States, the commissioner shall, after affording reasonable notice and opportunity to be heard to the lender, order the lender to cease and desist from the violation.

(b) If a lender fails to comply with or appeal the commissioner's cease and desist order, the lender shall be subject to a civil penalty of one thousand dollars (\$1,000) for each violation that is the subject of the cease and desist order. The penalty imposed under this section shall be in addition to and not in lieu of penalties available under any other provision of law applicable to a reverse mortgage lender.

(c) Upon a finding that a reverse mortgage lender has violated this act, the commissioner may revoke, temporarily or permanently, the authority of the lender to make reverse mortgage loans.

(d) A person damaged by a lender's actions may file an action in civil court to recover actual and punitive damages. Attorneys' fees shall be awarded to a prevailing borrower. Nothing in this act shall limit any statutory or common law right of a person to bring an action in court for any act, nor shall this act limit the right of the state to punish a person for the violation of any law.

Section 18. It is the intent of the General Assembly to authorize reverse mortgage loans under the provisions, terms and conditions imposed by this act. Nothing in this act shall be construed to apply to or restrict any loan, mortgage, or deed of trust which is valid under any other provision.

Section 19. Tennessee Code Annotated, Section 67-4-409(b)(1), is amended by deleting the words, "and

mechanics and materialmen's liens." and by substituting instead the words, ", mechanics' and materialmen's liens and mortgages or deeds of trust issued under the "Home Equity Conversion Act", Tennessee Code Annotated, Title 47, Chapter ___ and which are labeled on the face under the provision of such act."

Section 20. If any provisions of this act or the application thereof to any person or circumstance is held invalid for any reason by a final nonapplicable order of any Tennessee or federal court of competent jurisdiction, then such court shall deem this entire act to be null and void in its entirety and shall give no further force or effect to it. The legislative intent being that the provisions of this act are not severable; provided however, any contract entered into prior to a determination of invalidity shall be upheld or reformed to the maximum extent possible to effect the contract between the parties.

Section 21. This act shall take effect on January 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Meyer moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 1332 by deleting from Section 3, sub-paragraph (2), the words "sixty-two (62) years of age or older".

AND FURTHER AMEND by deleting from Section 3, sub-paragraph (10), the words "in addition to any interest accruing on the borrower that,".

AND FURTHER AMEND by deleting sub-paragraphs (5) and (6) of Section 13 in their entireties and by substituting therefor the following:

(5) For reasons other than physical and mental illness, the home ceases, without prior written permission from the lender, to be the principal residence of the borrower for a period of ninety (90) consecutive days and is not the principal residence during said period of another borrower under the loan.

(6) The borrower fails to pay property taxes, hazard insurance premiums, mortgage insurance premiums, service fees or assessments under Section 7.

AND FURTHER AMEND by deleting from Section 14, in the two (2) places where they appear, the words and figures "ninety (90)", and by substituting therefor in both such places the

words and figures "sixty (60)".

AND FURTHER AMEND by deleting sub-paragraph (c) of Section 15 in its entirety and by substituting therefor the following:

(c) All reverse mortgages, in order to have the priority provided in this section, must contain a statement or notice essentially equivalent to that set forth in Section 3, sub-paragraph (5) of this act.

On motion, Amendment No. 2 was adopted.

Rep. Meyer moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 1332 by deleting from Section 16(3) the words "satisfaction of a mortgage" and by substituting instead the words "release of a mortgage".

AND FURTHER AMEND by deleting from Section 20 the words "a final nonapplicable order" and by substituting instead the words "a final nonappealable order".

On motion, Amendment No. 3 was adopted.

Rep. Meyer moved that **House Bill No. 1332**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	76
Noes.	4
Present and not voting.	16

Representatives voting aye were: Allen, Anderson, Bittle, Boyer, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Duer, Fisher, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Wix, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Bell, Bragg, Givens, Rigbsby -- 4.

Representatives present and not voting were: Armstrong, Arriola, Brooks, Brown, DeBerry, Dixon, Ferguson, Garrett, Head, Jones U (Shelby), Love, Pinion, Pruitt, Turner (Shelby), Windle, Winningham -- 16.

A motion to reconsider was tabled.

House Bill No. 1045 -- Regional Authorities -- Establishes an authority to plan, develop, finance, manage, and operate Olympic event on Ocoee River. Amends TCA, Titles 4, 64.

Further consideration of House Bill No. 1045, previously considered on today's Calendar.

Rep. Fisher moved that House Bill No. 1045 be passed on third and final consideration.

Rep. Love requested that State and Local Government Amendment No. 1 be moved to the heel of the Amendments.

Rep. Fisher moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Fisher moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Fisher moved to reconsider our action on Amendment No. 3, which motion prevailed.

Rep. Fisher moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 1045 by striking all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, title 64, chapter 1, is amended by adding Sections 2 through 13, inclusive, as a new part to be appropriately designated.

Section 2.

(a) There is hereby established and created, within the department of environment and conservation, the Tennessee Ocoee development agency. For the purpose of this part, it will hereinafter be referred to as the "agency".

(b) The agency is created to plan, finance, develop, manage, and operate an Olympic and other events on the Ocoee River, including effectuating plans and programs for comprehensive development, including the control and development of the water resources of those portions of the Ocoee River lying in Polk County, and integrating plans, programs and development activities with the overall economic development of Polk County and southeast Tennessee generally relative to the holding of an Olympic event on the Ocoee River in 1996 and related recreational

and sporting use of the river.

Section 3.

(a) The organization of the agency shall be as follows:

(1) The agency, under the administrative control and direction of the department of environment and conservation, shall be governed by a board of directors consisting of fifteen (15) members appointed by the governor, provided that no less than three (3) members shall be citizens of Polk County and no less than two (2) members shall be licensed outfitters operating on the Ocoee River. The governor may designate members of the cabinet to serve as non-voting ex-officio members. If the agency is not terminated pursuant to Section 12, the members shall serve four (4) year terms unless they serve in an ex-officio capacity. Members shall serve until their successors are selected and qualified. The governor may remove a member for cause. The chairperson of the board shall be selected by the governor.

(2) Upon completion of its membership, the appointees shall meet and organize at a site to be selected by the commissioner of environment and conservation, elect a vice chairperson and secretary-treasurer, and set a regular time and place for meetings of the board.

(b) Directors shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the performance of their official duties, such expenses to be reimbursed from such funds as may be available to the agency. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

Section 4. The powers, duties and functions of the agency are as follows:

(1) GENERAL:

(A) Subject to applicable federal law, enter into such contracts and cooperative agreements with the federal, state and local governments, with agencies of such governments, with private individuals, corporations, associations and other organizations, including but not limited to Lee

College, as the board may deem necessary or convenient to enable it to carry out the purposes of this part. This authority shall include, without limitation, contracts and cooperative arrangements with the states of Georgia and North Carolina, or any municipalities and any authority or agency of the states of Georgia and North Carolina.

(B) Adopt, amend and repeal bylaws;

(C) Appoint such managers, officers, employees, attorneys and agents as the board deems necessary for the transaction of its business, fix their compensation, define their duties and require bonds of such of them as the board may determine. The salary of any such employees may be paid out of such funds as may be available to the agency from any source; and

(D) Acquire such insurance as may be necessary; and

(E) Receive funds from the general public and receive funds from the state of Tennessee at such times and in such amounts as appropriated by the general assembly;

(2) FORMULATION AND EXECUTION OF DEVELOPMENT PLANS:

(A) Investigate the resources of the Ocoee River area and determine the requirements for their full development and for control and development of the Ocoee River as an integral part of the 1996 Olympic event in the area;

(B) Develop and carry out a unified comprehensive program of resource development for recreational development and economic growth of the area. These plans shall be consistent with plans for statewide economic development;

(C) In making such investigations and in formulating development plans, seek and utilize the assistance of appropriate federal, state and local agencies and of private citizens and citizen organizations interested in the conservation and development of the resources of the area;

(D) Provide, develop and help, as appropriate, the needed and feasible cooperative arrangements for the construction of water control structures, channel improvements and

facilities for recreation, as a part of comprehensive plans and, in aid of such activities, to accept loans, grants or other assistance from federal, state and local governments or from agencies of such governments; and

(E) Contract with any city, county, municipality or supplier of utilities, for the abandonment, relocation or other adjustment of roads, highways, bridges and utility lines;

(3) LAND ACQUISITION. Acquire by purchase, lease, gift or in any manner other than by condemnation, property of any kind, real, personal or mixed, or any interest therein, that the board deems necessary or convenient to the exercise of its powers or functions; provided, that acquisition shall be limited to land, rights in land, including leaseholds and easements, and water rights in the Ocoee River watershed above Ocoee Dam No. 1 that the board determines to be necessary to the control and optimum development of the Ocoee River. The amount and character of interest in land, rights in land and water rights to be acquired within either of these boundaries shall be determined by the board of directors, and its determination shall be conclusive; and

(4) MANAGEMENT AND OPERATION:

(A) Develop a recreational plan for recreational usage of the Ocoee River, subject to agreements with appropriate federal agencies. The plan will include a proposal for planning, financing, developing, managing, and operating an Olympic event on the Ocoee River as well as related recreational use of the river.

(B) Develop the river for recreational use and provide for operation for this purpose directly or by contract or other agreement with concessionaires, lessees or vendees of related lands, or others.

(C)

(i) Sell or lease lands acquired in connection with development of the Ocoee River system for uses consistent with the agency's development plan and subject to such restrictions as the agency deems necessary for protection of the river and to such requirements as to:

(a) Character of improvements and

activities; and

(b) Time with which such improvements or activities shall be undertaken as the agency deems appropriate to its overall development plan.

(ii) Dispose of real property interests, provided that the requirements of Tennessee Code Annotated, Section 12-2-112, concerning advertisement and appraisal shall not apply to such dispositions of property;

(D) Acquire or operate lands related to the river reservoirs owned by the United States as the agent of the federal agency having custody and control thereof under appropriate agreements with such agencies; and

(E) Acquire, construct or operate other facilities or works of improvement as are necessary to effectuate plans for comprehensive development of the area.

Section 5. The board of directors of the agency shall report annually to the governor and shall likewise report annually to the governing bodies of Polk County and the various counties, towns and incorporated municipalities of the area. Such reports shall include statement of financial receipts and expenditures, and a summary of all activities and accomplishments for the period and proposed plans for the next year.

Section 6. All agencies of the state of Tennessee are hereby authorized and directed to extend their cooperation and lend assistance to the agency in the formulation and implementation of a development program. This assistance may include providing staff assistance to the agency.

Section 7.

(a) At least annually, the board shall hold a meeting at which members of the general public shall be allowed to address the board.

(b) All meetings of the board shall be public and shall comply with the state law on open meetings codified in title 8, chapter 44.

Section 8.

(a) The board shall annually formulate and issue a statement of objectives, priorities and programs that it has adopted or envisions to meet these objectives. This statement of objectives shall be

included in the annual report.

(b) The board shall report annually to the governor, the commissioner of environment and conservation, and to the general assembly through the speakers of the senate and the house of representatives. This report shall also be transmitted to the governing bodies of Polk County and the incorporated municipalities of the region. Such reports shall include the financial statements of the agency, and a summary of all activities and accomplishments for the period and proposed plans for the next year.

(c) The comptroller of the treasury is directed to develop or approve a uniform accounting system conforming to generally accepted accounting principles for the agency.

(d) The annual report, including financial statements, and all books of account and financial records are subject to annual audit by the comptroller. The agency may, with the prior approval of the comptroller, engage licensed independent public accountants to perform the audits. The audit contract between the agency and the independent public accountant shall be on contract forms prescribed by the comptroller. The agency is responsible for reimbursement of the costs of audits prepared by the comptroller and the payment of fees for audits prepared by licensed independent public accountants. Audits and working papers prepared by independent public accountants shall be reviewed and approved by the comptroller prior to payment. Copies of such audits shall be provided to each member of the board and the comptroller and shall be made available to the press.

(e) The board shall develop purchasing, contracting and personnel procedures which shall be approved by the comptroller and the commissioner of finance and administration prior to implementation.

Section 9. The agency, as an agency of the state, shall prepare its annual budget in accordance with title 9, chapter 6.

Section 10. The agency shall cooperate with the state planning office and shall submit to the state planning office such information as that office may require

Section 11. Upon the final acceptance from the contractor of any specific project on the Ocoee River plan, the commissioner of environment and conservation may at his or her option require the agency to relinquish the control

and operation of the project to the department of environment and conservation; provided, that the department shall thereafter be fully responsible for the cost of maintenance and operation of such project and shall receive all revenues therefrom except such revenues as might be pledged to the payment of obligations theretofore incurred by the agency, and that the project be operated and managed in such a manner that it does not interfere with the purposes of the comprehensive river plan.

Section 12. The agency shall terminate and cease to exist on June 30, 1997. Termination shall occur in accord with the provisions of Tennessee Code Annotated, title 4, chapter 29.

Section 13. This act shall take effect on becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Fisher moved that House Bill No. 1045, as amended, be passed on third and final consideration.

Rep. McKee moved the previous question, which motion prevailed.

Rep. Fisher moved that House Bill No. 1045, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Brown, Turner (Hamilton) -- 2.

WEDNESDAY, MAY 12, 1993 -- FORTY-FIFTH LEGISLATIVE DAY

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 1045 and have this statement entered in the Journal: Rep(s). Meyer.

REGULAR CALENDAR, CONTINUED

Senate Bill No. 1298 -- Physicians and Surgeons -- Requires University of Tennessee and East Tennessee State University to develop and implement plan to graduate as primary care physicians or family practitioners 10 percent more than currently graduating. Amends TCA, Title 49.

Further consideration of Senate Bill No. 1298, previously considered on today's Calendar.

Rep. Herron renewed the motion to adopt Amendment No. 7.

Rep. Odom moved to amend as follows:

Amendment No. 1 to Amendment No. 7

Amend Senate Bill No. 1298 by deleting in the first sentence of the amendatory language of Section 1(a) the word "jointly".

AND FURTHER AMEND by deleting Section 2 in its entirety and substituting instead the following:

The cost of development and implementation of said plan shall be provided from within existing resources of the universities.

On motion, Amendment No. 1 to Amendment No. 7 was adopted.

Rep. Herron moved adoption of Amendment No. 7, as amended.

Rep. Whitson moved to reset Senate Bill No. 1298 to the Calendar for Tuesday, May 18, 1993.

Rep. Kisber moved the previous question, which motion prevailed.

The motion to reset Senate Bill No. 1298 failed by the following vote:

Ayes.	41
Noes.	28
Present and not voting.	22

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Cole (Carter), Davis, Duer, Ferguson, Fisher, Garrett, Gunnels, Halteman Marwell, Hassell, Haun, Head, Hillis, Huskey, Jones R (Shelby), Joyce, Kent, Love, McDaniel, McKee, Meyer, Mires, Moore, Odom, Peroulas, Draper, Ramsey, Severance, Shirley, Stamps, Stockburger, Venable, Westmoreland, Whitson, Williams (Union), Wood -- 41.

Representatives voting no were: Brown, Callicott, Clark, Cole (Dyer), Crain, Cross, Givens, Haley, Herron, Johnson, Kisber, Knight, Lewis, Napier, Phelan, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), West, Williams (Shelby) -- 28.

Representatives present and not voting were: Bragg, Brooks, Byrd, Chumney, Collier, Davidson, DeBerry, Dixon, Fowikes, Jones U (Shelby), Kernell, Liles, McAfee, Miller, Owenby, Phillips, Robinson, Walley, Williams (Williamson), Windle, Winningham, Wix -- 22.

Rep. Cole (Carter) moved to reset Senate Bill No. 1298 to the Calendar for 1994.

Rep. Herron moved that the motion to reset be tabled, which motion failed by the following vote:

Ayes.	37
Noes.	52
Present and not voting.	4

Representatives voting aye were: Buck, Byrd, Chumney, Clark, Coffey, Cole (Dyer), Collier, Crain, Cross, Fowikes, Gunnels, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Kernell, Kisber, Knight, Lewis, Napier, Owenby, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Stulce, Tindell, Turner (Hamilton), West, Williams (Shelby), Windle, Winningham -- 37.

Representatives voting no were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Callicott, Cole (Carter), Davis, DeBerry, Duer, Ferguson, Fisher, Garrett, Givens, Haley, Halteman Marwell, Hassell, Haun, Head, Huskey, Joyce, Kent, Liles, Love, McAfee, McDaniel, Meyer, Mires, Moore, Odom, Peroulas, Draper, Pruitt, Ramsey, Robinson, Severance, Shirley, Stamps, Stockburger, Thompson, Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Wix, Wood -- 52.

Representatives present and not voting were: Brooks, Davidson, Dixon, Miller -- 4.

Rep. Rhinehart moved to amend the motion to reset, seconded by Rep. Herron, as follows:

to the next available space to the next available Calendar,

The motion prevailed by the following vote:

Ayes.	47
Noes.	42
Present and not voting.	4

Representatives voting aye were: Buck, Byrd, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Fisher, Fowlkes, Givens, Gunnels, Halteman Harwell, Head, Harron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Kernell, Kisber, Knight, Lewis, McKee, Miller, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Severance, Stulce, Turner (Hamilton), West, Williams (Williamson), Windle, Winningham -- 47.

Representatives voting no were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Callicott, Davis, DeBerry, Duer, Ferguson, Garrett, Haley, Hassell, Haun, Huskey, Joyce, Kent, Liles, Love, McAfee, McDaniel, Meyer, Mires, Moore, Perquias Draper, Ramsey, Robinson, Shirley, Stamps, Stockburger, Tindell, Turner (Shelby), Venable, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Wix, Wood -- 42.

Representatives present and not voting were: Brooks, Brown, Dixon, Walley -- 4.

The Speaker announced that Senate Bill No. 1298 was reset to the Calendar for Thursday, May 13, 1993.

MESSAGE FROM SENATE
May 12, 1993

MR. SPEAKER: I am directed to request the return of House Bill No. 869, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE BILL RETURNED

The Clerk returned House Bill No. 869 to the Senate as requested.

REGULAR CALENDAR, CONTINUED

House Bill No. 937 -- Fees -- Increases certain fees relative to motor vehicles which are payable to county clerk. Amends TCA, Title 55.

Further consideration of House Bill No. 937, previously considered on today's Calendar.

Rep. Whitson renewed the motion to adopt Amendment No. 5, which

motion prevailed by the following vote:

Ayes.	47
Noes.	20
Present and not voting.	24

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Coffey, Cole (Carter), Cole (Dyer), Davis, Duer, Fisher, Fewkes, Garrett, Givens, Gunnels, Haley, Hatteman, Harwell, Hassell, Haun, Herron, Huskey, Joyce, Kent, Liles, Moffee, McDaniel, McKee, Meyer, Mires, Napier, Odum, Peroulas, Draper, Phelan, Pruitt, Ramsey, Severance, Shirley, Stamps, Stockburger, Venable, Westmoreland, Whitson, Williams (Union), Winningham, Wix, Wood -- 47.

Representatives voting no were: Armstrong, Brooks, Brown, Davidson, DeBerry, Head, Hillis, Jones R (Shelby), Jones U (Shelby), Knight, Lewis, Love, Miller, Rhinehart, Riggsby, Rinks, Ritchie, Thompson, Turner (Shelby), Williams (Shelby) -- 20.

Representatives present and not voting were: Bragg, Buck, Byrd, Callicott, Collier, Crain, Cross, Ferguson, Johnson, Kisher, Moore, Owenby, Phillips, Pinion, Purcell, Ridgeway, Stulce, Tindell, Turner (Hamilton), Walley, West, Williams (Williamson), Windle, Mr. Speaker Naifeh -- 24.

A motion to reconsider was tabled.

Rep. Meyer moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Rhinehart moved to adopt Amendment No. 7 as follows:

Amendment No. 7

Amend House Bill No. 937 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____: No state funds pursuant to this act shall be expended in any county where the additional funds provided in this act are not collected.

On motion, Amendment No. 7 was adopted.

Rep. Severance moved the previous question, which motion prevailed.

Rep. Whitson moved that House Bill No. 937, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	74
Noes.	20
Present and not voting.	3

WEDNESDAY, MAY 12, 1993 -- FORTY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Callicott, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Hargrove, Hassell, Haun, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Mires, Moore, Napier, Owenby, Peroulas, Draper, Phelan, Phillips, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 74.

Representatives voting no were: Arriola, Byrd, Chumney, Coffey, Garrett, Haley, Halteman, Harwell, Herron, Johnson, Meyer, Miller, Odom, Pinion, Shirley, Stockburger, Turner (Shelby), Walley, West, Williams (Union), Wood -- 20.

Representatives present and not voting were: Head, Pruitt, Venable -- 3.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

*Senate Bill No. 0155 -- Education -- Restricts use of funds for retirement of principal and interest on school bonds where funds have not been previously apportioned to LEAs. Amends TCA, Title 49, Ch. 3, Pt. 10.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 155

Pursuant to Rule No. 73, Representative Rhinehart moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 155, which motion prevailed.

The Speaker appointed Representatives Rhinehart, Hillis and Bragg as the House members of the Conference Committee on Senate Bill No. 155.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0486 -- County Government -- Authorizes county legislative body of county which has adopted zoning to fix compensation of planning commission members if such members also serve as zoning board for county. Amends TCA 13-3-101.

WEDNESDAY, MAY 12, 1993 -- FORTY-FIFTH LEGISLATIVE DAY

Senate Amendment No. 1

Amend House Bill No. 486 by deleting from the amendatory language of Section 2 the word "shall" and by substituting instead the word "may".

Rep. Whitson moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 486, which motion prevailed by the following vote:

Ayes.	90
Noes.	0
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Garrett, Owenby, Ritchie -- 3.

A motion to reconsider was tabled.

House Bill No. 0553 -- Banks and Financial Institutions -- Clarifies that commissioner may permit use of word "bank" if, in his discretion, determines entity has not or will not mislead public by employing such use. Amends TCA 45-2-1709.

Senate Amendment No. 1

Amend House Bill No. 553 by deleting Sections 1 through 2 in their entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 45-2-1709(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(a)(1)(A) It is unlawful for any person, firm or corporation, other than those defined in §45-1-103(2) and (3), to use or employ in any manner the terms "bank", "banks", or "banking" in connection with the carrying on or operation of business in this state;

provided, that this section shall have no application to national banking associations or existing persons whose name contains these terms. The commissioner of financial institutions may permit, upon application or by rule, the subsidiary of a bank or bank holding company to employ the terms "bank", "banks", or "banking".

(B) Notwithstanding the provisions of this section, the commissioner may permit, upon application, a person, corporation, partnership or other business entity to employ the term "bank", "banks", or "banking" if he, in his discretion, determines that such person, corporation, partnership, or business entity has not or will not mislead the public by employing such terms and the person, corporation, partnership or business does not provide financial services. Upon proper showing, the commissioner may rescind approval if the public welfare so requires. For purposes of this section, any person, corporation, partnership, or business which provides financial services shall include, but not be limited to, insurance companies and agents, money order or exchange companies, investment companies, stock brokers or dealers, mutual funds, industrial loan and thrift companies, credit unions and BIDCOs.

Rep. Rinks moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 553, which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Garrett, West --

WEDNESDAY, MAY 12, 1993 -- FORTY-FIFTH LEGISLATIVE DAY

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 0601 -- Labor --** Revises type of association representing certain education employees which may enter into agreements for payroll deduction without meeting certain criteria. Amends TCA 8-23-204.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 601**

Pursuant to Rule No. 73, Representative U. Jones moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 601, which motion prevailed.

The Speaker appointed Representatives U. Jones, DeBerry and Love as the House members of the Conference Committee on Senate Bill No. 601.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 0616 -- DUI/DWI Offenses -- Revises BAC test fee in Davidson County from \$17.50 to up to \$50; changes fee for making arrests in criminal cases in Davidson County to up to \$50, as determined by county legislative body. Amends TCA, Titles 8, 55.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 616**

Pursuant to Rule No. 73, Representative Garrett moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 616, which motion prevailed.

The Speaker appointed Representatives Garrett, Clark and Williams (Shelby) as the House members of the Conference Committee on Senate Bill No. 616.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0680 -- Crime, Victims of -- Revises Criminal Injuries Compensation Act of 1976. Amends TCA 9-8-307; Title 29, Ch. 13. Repeals TCA 9-8-308.

Senate Amendment No. 2

Amend House Bill No. 680 by adding to the bill, as amended by the House, the following new SECTION 21 and by redesignating the existing sections accordingly:

SECTION 21. Tennessee Code Annotated, Section 29-13-111, is amended by adding the following as a new subsection (d) and by redesignating the existing subsection (d) accordingly:

(d)(1) Notwithstanding any provisions of this part to the contrary, if the claimant has outstanding health care, funeral or burial expenses resulting from the injury or death which was the basis of the claim and if any compensation remains after making provision for the payment of all other eligible losses and expenses to the claimant, the division or commission may, in their discretion, make the remaining compensation payable to the health care or funeral provider.

(2) Where multiple health care or funeral providers exist and the remaining compensation is inadequate to pay the entire indebtedness, the division or commission may divide the remaining compensation equally among the providers or, in the division or commission's discretion, apportion the remaining compensation among the providers in accordance with the claimant's instructions.

Senate Amendment No. 4

Amend House Bill No. 680 by deleting from the amendatory language of SECTION 22, as amended by the House, the figure "13" and by substituting instead the figure "12".

Senate Amendment No. 5

Amend House Bill No. 680 by deleting in its entirety the amendatory language of SECTION 12, as amended by the House, and by substituting instead the following:

(a)(1) In addition to the amount of compensation awarded under this chapter, reasonable attorney's fees shall be determined and allowed to the attorney representing the claimant; provided, that no attorney's fees shall exceed the lesser of the following:

(A) Fifteen percent (15%) of the first \$2,500 of compensation awarded, plus ten percent (10%) of any compensation awarded over \$2,500; or

(B) Three hundred seventy five dollars (\$375.00) for claims resulting from the death of the victim or five hundred dollars (\$500.00) for all other claims.

(2) Notwithstanding the foregoing, an attorney who is aggrieved by the amount of attorney's fees allowed may petition the commission for a review thereof. In determining whether to grant the petition for review, the

commission shall take into account the complexity of the claim, the amount of time the attorney spent in representing the claimant, and such other matters as the commission deems appropriate. The petition must be filed within thirty (30) days of the date of the settlement notice, or if the claim was heard by the commission, within thirty (30) days of the date of the commission's order. The petition shall set forth with specificity the reasons the commission should grant the review. If the commission grants the petition, the commission may increase the amount of attorney's fees allowed; provided, that in no case may the total fees granted under subdivisions (1) and (2) hereof exceed a maximum of seven hundred fifty dollars (\$750.00).

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 2, 4 and 5 to House Bill No. 680, which motion prevailed by the following vote:

Ayes.	92
Noes.	2
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Hafey, Hafteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Duer, Shirley -- 2.

Representatives present and not voting were: Ritchie -- 1.

A motion to reconsider was tabled.

Senate Amendment No. 1

Amend House Bill No. 680 by deleting the amendatory and directory language of Section 12 in its entirety and by substituting instead the following:

SECTION 12. Tennessee Code Annotated, Section 29-13-111(c), is further amended by deleting from the first sentence thereof the word "child", by substituting instead the word "minor", and by adding the following new sentence

at the end thereof:

Notwithstanding the foregoing, the division or the commission may, in their discretion, turn-over compensation awarded to a minor to the juvenile court pursuant to SECTION 1 of this Act to be placed in an interest-bearing account for the benefit of the minor.

by adding the following new appropriately designated Sections:

SECTION ____ Tennessee Code Annotated, Section 29-13-102(1), is amended by deleting it in its entirety and by substituting instead the following:

(1) "Child" means any individual, adopted or natural born, entitled to take as a child under the laws of this state by intestate succession from the parent whose relationship is involved and shall also include a stepchild.

SECTION ____ Tennessee Code Annotated, Section 29-13-102(2), is amended by deleting the word "child" and by substituting instead the word "minor".

SECTION ____ Tennessee Code Annotated, Section 29-13-102, is amended by adding a new appropriately designated subdivision as follows:

() "Minor" means any person who has not attained the age of eighteen (18) years.

SECTION ____ Tennessee Code Annotated, Section 29-13-106(c), is amended by deleting the words and figure "children under the age of eighteen (18)" and by substituting instead the word "minors".

SECTION ____ Tennessee Code Annotated, Section 29-13-106(e), is amended by deleting the words and figure "child under the age of eighteen (18)" and by substituting instead the word "minor".

SECTION ____ Tennessee Code Annotated, Section 29-13-108(a), is amended by deleting the words and figure "child under the age of eighteen (18)" and by substituting instead the word "minor".

SECTION ____ Tennessee Code Annotated, Section 29-13-109(b)(2)(R), is amended by deleting the word "child" and by substituting instead the word "minor".

Senate Amendment No. 3

Amend House Bill No. 680 by deleting from the amendatory language of SECTION 1, as amended by the House, the word "probate" wherever it appears and by substituting instead the

word "juvenile".

Further amend by deleting from the amendatory language of SECTION 11, as amended by the House, the word "probate" and by substituting instead the word "juvenile".

Rep. Purcell moved that the House nonconcur in Senate Amendment(s) No(s). 1 and 3 to House Bill No. 680, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

House Bill No. 0722 -- Traffic Safety -- Enacts "Child Bicycle Safety Act". Amends TCA, Title 55.

Senate Amendment No. 2

Amend House Bill No. 722 by deleting "and all" from the tenth line of Section 5 and replacing the same with a period and by deleting the entire eleventh line of Section 5.

Senate Amendment No. 3

Amend House Bill No. 722 by deleting from the third line of subsection 7(a) the word "civil" and the entire fourth and fifth lines of subsection 7(a) and replacing the same with the words and figures:

"fine of two dollars (\$2) and court costs"

AND FURTHER AMEND by deleting subsection 7(b) in its entirety and replacing the same with "(b) Upon commission of the first offense within a twelve-month period under subsection 6(3), it shall be a defense that the accused has since the date of the violation purchased or provided a protective bicycle helmet or a restraining seat, and uses and intends to use or

causes to be used or intends to cause to be used the same as the law requires".

AND FURTHER AMEND by inserting the word "adult" between "any" and "person" in the first line of subsection 7(a).

Senate Amendment No. 4

Amend House Bill No. 722 by adding the following at the end of subdivision (5) of Section 4 of the printed bill:

, or which is otherwise approved by the commissioner of safety.

Senate Amendment No. 5

Amend House Bill No. 722 by deleting from Section 8 of the printed bill the date "July 1, 1993" and substituting the date "January 1, 1994".

Senate Amendment No. 7

Amend House Bill No. 722 by adding the following as a new section to precede the effective date section:

SECTION ____ In no event shall failure to wear a protective bicycle helmet or to secure a passenger to a restraining seat be admissible as evidence in a trial of any civil action.

Rep. Head moved that the House concur in Senate Amendment(s) No(s). 2, 3, 4, 5 and 7 to House Bill No. 722, which motion prevailed by the following vote:

Ayes.	94
Noes.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Garrett, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odum, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Ferguson, Givens -- 2.

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A motion to reconsider was tabled.

***House Bill No. 0974 -- Local Government, General --** Permits agencies of political subdivisions with separate governing boards to enter into joint or cooperative agreements with other such agencies and boards. Amends TCA, Title 12, Ch. 9.

Senate Amendment No. 1

Amend House Bill No. 974 by deleting from the amendatory language of Section 1 in the fourth sentence the word "may" and by substituting instead the word "shall".

Rep. Gunnels moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 974, which motion prevailed by the following vote:

Ayes.	90
Noes.	5

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Chumney, Herron, Purcell, Ritchie, West -- 5.

A motion to reconsider was tabled.

House Bill No. 1004 -- Consumer Protection -- Creates offense of going out of business as Class B misdemeanor; requires local governments to issue permits to be accompanied by inventory; limits sale to inventory; authorizes injunctive relief. Amends TCA, Title 47, Ch. 18.

Senate Amendment No. 3

Amend House Bill No. 1004 by adding the following new section at the end of the bill:

Section ____ This act shall take effect upon becoming

a law, the public welfare requiring it.

Rep. Ramsey moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 1004, which motion prevailed by the following vote:

Ayes.	95
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Buck -- 1.

A motion to reconsider was tabled.

House Bill No. 1556 -- Civil Procedure -- Requires that trustee or representative be present at judicial or trust sale. Amends TCA, Title 35, Ch. 5, Pt. 1.

Rep. Purcell moved that House Bill No. 1556 be reset to the Message Calendar for Thursday, May 13, 1993, which motion prevailed.

House Bill No. 1583 -- Air Pollution -- Requires county failing to meet air quality standards to develop vehicle emission plan. Amends TCA, Title 55, Chs. 4, 6, 68-201-115.

Senate Amendment No. 3

Amend House Bill No. 1583 by redesignating Section 5 as Section 7 and by adding the following new sections:

SECTION 5. If deemed advisable to promote reciprocity and to coordinate fully the motor vehicle emission plan, the state, if it has been requested to implement this act by the counties named in Section 4 hereof, may purchase goods and services on the same terms and conditions as such goods and services have been purchased by a municipality, county, or other local governmental unit where such

contract, as amended or extended, is in effect at the date of the purchase by the state and where such contract was executed by the municipality, county, or other local governmental unit, pursuant to its regular purchasing procedures for such goods and services.

SECTION 6. The rules promulgated by the Tennessee Air Pollution Control Board shall provide that, with respect to any fleet of motor vehicles owned or leased by any manufacturer of motor vehicles located in the four counties named in Section 4 hereof, such manufacturer shall be allowed to provide its own vehicle inspection and maintenance program so long as such vehicle inspection and maintenance program meets the standards required by the board.

Rep. Callicott moved that the House concur in Senate Amendment(s) No(s) 3 to House Bill No. 1583, which motion prevailed by the following vote:

Ayes.	93
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Garrett -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Ritchie, House Bill No. 399 was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Ritchie, House Bill No. 887 was recalled from the Judiciary Committee and withdrawn from the House.

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On motion of Rep. Ritchie, House Bill No. 1042 was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Ritchie, House Bill No. 1461 was recalled from the Consumer and Employee Affairs Committee and withdrawn from the House.

On motion of Rep. Ritchie, House Bill No. 1462 was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Ritchie, House Bill No. 1592 was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 121.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 1.

The Speaker appointed a Conference Committee composed of Senators Haynes, McKnight and Springer to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 121.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1159; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1494; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1538; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 522; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, as suspended, Senate Bill(s) No(s). 121; House Bill(s) No(s). 522, 1159, 1494 and 1538 were placed on the Message Calendar for Thursday, May 13, 1993.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 305: Rep(s). Byrd, Head, Ridgeway and Turner (Hamilton).

House Bill No. 319: Rep(s). Liles as prime sponsor(s).

House Bill No. 326: Rep(s). Byrd, Coffey and McDaniel as prime sponsor(s).

House Bill No. 564: Rep(s). Williams (Union) as prime sponsor(s).

House Bill No. 758: Rep(s). Herron as prime sponsor(s).

House Bill No. 786: Rep(s). Williams (Union) as prime sponsor(s).

House Bill No. 1128: Rep(s). Byrd and Coffey as prime sponsor(s).

House Bill No. 1289: Rep(s). Hassell, Kernell, Knight, Windle and Williams (Union) as prime sponsor(s).

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House Bill No. 1420: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 1500: Rep(s). Byrd as prime sponsor(s).

House Bill No. 1532: Rep(s). Byrd and Haun as prime sponsor(s).

House Resolution No. 67: Rep(s). Bell and Turner (Hamilton) as prime sponsor(s).

House Resolution No. 68: Rep(s). Ritchie as prime sponsor(s).

House Joint Resolution No. 200: Rep(s). Byrd as prime sponsor(s).

House Joint Resolution No. 262: Rep(s). Herron as prime sponsor(s).

House Joint Resolution No. 264: Rep(s). Herron as prime sponsor(s).

House Joint Resolution No. 296: Rep(s). Herron as prime sponsor(s).

House Joint Resolution No. 297: Rep(s). Herron, Phelan, Ridgeway, Rinks and Speaker Naifeh as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Turner (Hamilton) was removed as sponsor of the following: **House Bill No. 1045.**

On motion, Rep(s). Moore was removed as sponsor of the following: **House Bill No. 1152.**

On motion, Rep(s). Ritchie was removed as sponsor of the following: **House Bill No. 837, 889, 899, 1233, 1242, 1287, 1359, 1386, 1448, 1459 and 1460.**

ENGROSSED BILLS

May 12, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: **House Bill(s) No(s). 462, 1070, 1142 and 1658; also, House Joint Resolution(s) No(s). 300.**

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 12, 1993

The following bills have been examined, engrossed, and are ready

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for transmission to the Senate: House Bill(s) No(s). 440, 495 and 1661; also, House Joint Resolution(s) No(s). 320.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 12, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 308, 310, 313, 314, 315, 316, 318 and 319.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1600, 1633, 1634, 1647, 1648, 1650 and 1654; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 175; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Joint Resolution No. 0175 -- Memorials, Government Officials -- Urges public service commission to study feasibility of including Dickson County within local telephone calling area for Nashville and vicinity. by *Springer, *McKnight.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 453 and 1113; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to return to the House, House Joint

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Resolution(s) No(s). 180, 214, 294, 295, 296, 297, 298, 300, 301, 302, 303, 304, 305 and 306; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 12, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1045.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 238, 541 and 1281; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 12, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 937 and 1332.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1142 and 1375; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 212; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 13, 143, 509, 737, 755, 771, 816, 929, 1521, 1560, 1643, 1644 and 1646; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 158 and 209; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 748, 872, 920, 1013, 1014, 1148, 1163, 1318, 1373, 1419 and 1423; also, House Joint Resolution(s) No(s). 119, 287, 288, 290, 291, 292 and 293; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 12, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 406, 432, 506, 1036, 1403 and 1659; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 0406 -- Public Service Commission -- Increases certain public utility regulatory fees earmarked for PSC. Amends TCA 65-4-303, 304. by *Cooper, *McKnight.

*Senate Bill No. 0432 -- Human Services, Dept. of -- Instructs department to conduct AFDC client characteristics studies once every three years prior to any federally regulated review. Amends TCA 71-3-104. by *Henry, *Harper.

*Senate Bill No. 0506 -- Workers' Compensation -- Requires proof of workers' compensation coverage before building permit can be issued. Amends TCA, Title 13, Ch. 7. by *Albright.

Senate Bill No. 1036 -- Hearing and Hearing Aids -- Restricts sale or repair of hearing aids by public post secondary educational

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institutions to only certain persons. Amends TCA, Title 49. by *Gilbert.

*Senate Bill No. 1403 -- Law Enforcement Training Academy -- Prohibits teaching of choke hold maneuvers to candidate at state law enforcement training facilities; creates civil penalty for using such maneuvers. Amends TCA, Title 38, Chs. 3, 8. by *Ford.

Senate Bill No. 1659 -- Wilson County -- Establishes tax rate for the Tenth Special School District. Amends Chapter 330, Acts of 1901, as amended. by *Rochelle.

CONSENT CALENDAR

May 12, 1993

The following local bills have been placed on the Consent Calendar for Thursday, May 13, 1993: House Bill(s) No(s). 1669, 1671, 1673, 1677 and 1678.

ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Haltom, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, May 13, 1993.